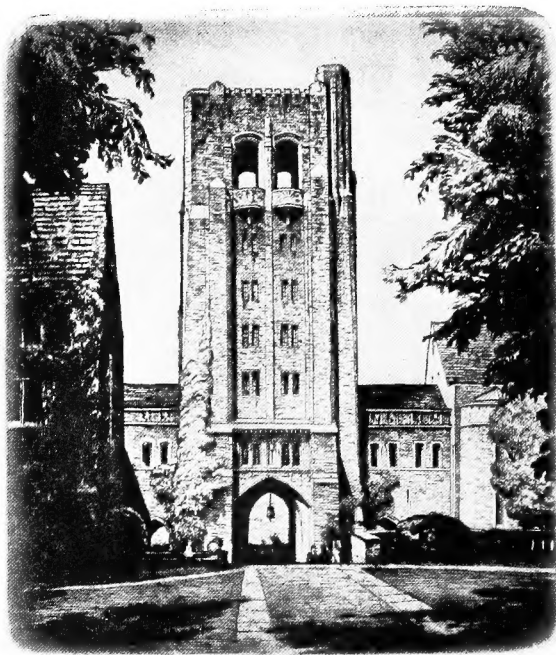


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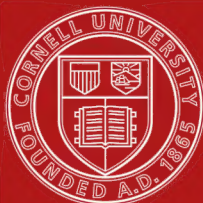
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A TABLE

OF

ALL DECISIONS CONSTRUING OR CITING
SECTIONS OF THE

CODE OF CIVIL PROCEDURE.

COLLECTED FROM

THE REPORTS OF NEW YORK STATE

FROM 1876 TO 1885,

INCLUDING THE FOLLOWING REPORTS :

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BY

HENRY H. BROWNE,

Editor of New York Civil Procedure Reports.

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The object of this book is to collect under each section of the Code all decisions of the courts which construe or refer to them. The sections of the Code being mentioned by name in the opinion which explains them, it is thus possible to collect clear and accurate lists of all cases reported, and from them with little labor to prepare a brief.

Brief running references at the top of the pages, facilitate the search for subjects.

The year in which the decision was made is given with the name of the case, a feature which will be readily appreciated.

The decisions of the court of last resort so far as in point, are marked with an asterisk.

In a work of this kind, it is difficult to attain absolute accuracy. As the proofs were received from the printer, they were carefully verified with the reports by a competent assistant, and it is hoped the book will be found free from errors.

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NEW YORK, *March*, 1885.

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The Asterisk annexed to some of the Citations indicates that the Court of Appeals have pronounced an opinion on the section.

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PASSED June 2, 1876, three-fifths being present.

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- St. Clair *v.* Day, 89 N.Y. 358;* 15 W. D. 162
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 484; 2 Civ. Pro. 379
- 1883 Crawford *v.* The West Side B'k, 92 N.Y. 631*
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- 1884 Mead *v.* Jenkins, 96 N.Y. 33.

190, sub. 4 (L. 1882, ch. 61, § 1)

- 1883 Raynor *v.* Raynor, 94 N.Y. 250*

191, sub. 1 (Co. Pro. 11)

- 1879 Conger *v.* Conger, 77 N.Y. 433*
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- 1880 Hiscock *v.* Harris, 80 N.Y. 406*
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- 1883 Williams *v.* Western U. Tel. Co., 93 N.Y. 194*

191, sub. 2, 3 (Co. Pro. 11)

- 1879 Scully *v.* Sanders, 77 N.Y. 598
 1882 Lavalley *v.* Skelly, 90 N.Y. 548*

191, sub. 3 (L. 1871, ch. 282, and L. 1874, ch. 322)

- 1878 Coe *v.* Hobby, 72 N.Y. 145* (aff'g 7 Hun 157)
 Nicholl *v.* Voorhis, 74 N.Y. 29*
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- 1880 Wiley *v.* Brigham, 81 N.Y. 14*
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- 1881 Payne *v.* Becker, 87 N.Y. 157*
- 1883 Kenney *v.* Apgar, 93 N.Y. 542
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- 1882 St. Clair *v.* Day, 89 N.Y. 357;* 15 W. D. 162
- 1882 Shaw *v.* McCarty, 2 Civ. Pro. 23

191, at Large (Co. Pro. 11)

- 1883 *Raynor v. Raynor*, 94 N.Y. 251*
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192. (New)

- Estate of Halsey*, 93 N.Y. 53

193. (L. 1870, ch. 203, § 2)

- Gormerly v. McGlynn*, 84 N.Y. 284

194. (Co. Pro. 11, 12)

- 1876 *Godfrey v. Moser*, 66 N.Y. 250
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Burdett v. Lowe, 22 Hun 589 (said to have been reversed
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198. (Const. art. 6, part of § 2)

- 1880 *Jones v. Jones*, 81 N.Y. 35

206. (L. 1863, ch. 200, § 4) Clerk of Court of Appeals.

- 1881 *Dwight v. Germania L. I. Co.*, 80 N.Y. 500

211. (Act 1848, § 2) State Reporter.

- 1882 *Little v. Banks*, 85 N.Y. 258

217. (Many Acts) Supreme Court.

- People ex rel. Mayor, &c. v. Nichols*, 79 N.Y. 582; 58
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- 1879 *Hatch v. C. R. Bk.*, 78 N.Y. 489
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Price v. Brown, 10 Abb. N. C. 67

219. (New)

- 1879 *Jones v. People*, 79 N.Y. 46

223. (Act of 1870)

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230. (L. 1870, ch. 408, § 6) Appointment of Terms.

- 1879 *Kings Co. Elev. R. R. Co.*, 78 N.Y. 384; 9 W. D. 183

232. (Many Acts)

- 1879 *Jones v. People*, 79 N.Y. 46
 1880 *People ex rel. v. Mayor*, 79 N.Y. 587; 58 How. Pr. 200
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Mojarietta v. Saenz, 80 N.Y. 553

235. (Many Acts)

- 1880 *In re Claim of Flandrow*, 84 N.Y. 1
 1879 *Jones v. The People*, 79 N.Y. 46
 1880 *People ex rel. v. Mayor*, 79 N.Y. 587
Syracuse S. Bk v. S. C. & N. Y. R. R. Co., 14 W. D. 83

236. (L. 1870, ch. 408, § 8)

- 1880 *Argall v. Jacobs*, 21 Hun 117
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239. (Co. Pro. 24) Adjournments.

- 1880 *Phinney v. Broschell*, 80 N.Y. 546
Mojarietta v. Saenz, 80 N.Y. 553
 1883 *Mutter of Wadley*, 29 Hun 12

241. (Co. Pro. 403, &c.) Supreme Court.

- 1881 Larkin *v.* Steele, 25 Hun 256
 Hazzard *v.* Wilson, 3 Abb. N. C. 50
 People *ex rel.* Negus *v.* Dwyer, 15 W. D. 207; 90 N.Y.
 402; 2 Civ. Pro. 379; 1 Civ. Pro. 484
 Babcock *v.* Clark, 28 Hun 391

243. (L. 1870, ch. 408, § 12) Supreme Court Stenographer.

- 1882 Woodruff *v.* Imp. F. I. Co. &c., 90 N.Y. 521*

258. (L. 1871, ch. 700, §§ 1, 2)

- 1882 Matter of Tinsley, 90 N.Y. 232

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THE SUPERIOR CITY COURTS.

ARTICLE I.

Provisions applicable to all the superior city courts.

263, sub. 1 (L. 1873, ch. 239, § 1) Jurisdiction.

- 1878 Wheelock *v.* Lee, 74 N.Y. 497;* S. C., 1878, 5 Abb. N.
 C. 72.
 A. & P. Tel. Co. *v.* B. & O. R. R. Co., 46 Super. 380; 87
 N.Y. 355
 Gemp *v.* Pratt, 7 Daly 197; 53 How. Pr. 83

263, sub. 2 (L. 1873, ch. 239, § 1)

- 1876 Brannek *v.* Knickerbocker, 1 Abb. N. C. 393
 1878 Wheelock *v.* Lee, 74 N.Y. 497;* 5 Abb. N. C. 72
 1880 Atl. Tel. Co. *v.* Bal. &c. R. R. Co., 46 Supe. 380
 1882 Davidsburgh *v.* Knickerbocker L. I. Co., 90 N.Y. 527
 1883 Brooks *v.* Mex'an N. Const. Co., 93 N.Y. 647;* 1882, N.
 Y. Superior Court, 3 Civ. Pro. 36.

263, sub. 7 (L. 1873, ch. 239, § 1)

- 1884 *Fisher v. Charter Oak L. I. Co.*, 14 Abb. N. C. 33

263, at Large (L. 1873, ch. 239, § 1)

- 1877 *Story v. N. Y. El. R. R. Co.*, 3 Abb. N. C. 478
 1880 *Lewis v. Farrell*, 46 Super. 361
 1883 *Brooks v. Mex'an Const. Co.*, 49 Super. 237
 1884 *Brooks v. Mex'an N. Const. Co.*, 50 Super. 285; 93 N.Y. 647
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264. (New)

- 1878 *Wheelock v. Lee*, 74 N.Y. 497; 5 Abb. N. C. 72
 1882 *Davidsburgh v. Knickerbocker L. I. Co.*, 90 N.Y. 527
 1880 *Atl. & Tel. Co. v. Balt're, &c. R. R. Co.*, 46 Super. 389

266. (L. 1873, ch. 239, § 2)

- 1883 *Brooks v. Mex'n Construction Co.*, 49 Super. 237; 3 Civ. Pro. 36; 93 N.Y. 647; 64 How. Pr. 364
 1884 *Brooks v. Mexican Nat. Construction Co.*, 50 Super. 287
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267. (L. 1873, ch. 239, § 1)

- 1881 *Schuehle v. Reiman*, 86 N.Y. 272
 1883 *Brooks v. Mexican Construction Co.*, 49 Super. 234; 64 How. Pr. 364; 17 W. D. 428; 3 Civ. Pro. 36; 93 N. Y. 647

269. (L. 1873, ch. 239, § 3) **Removal of Causes.**

- 1878 *Quin v. Van Pelt*, 12 Hun 635

273. (L. 1873, ch. 239, § 6)

- 1880 *Wells v. Buffalo*, 80 N.Y. 253

277. (L. 1873, ch. 239, § 12)

- Gunning v. Appleton*, 57 How. Pr. 510

279. (Many Acts)

1882 *Woodruff v. Imp. F. I. Co.*, 90 N.Y. 523

282.

1879 *Brouwer v. Loomis*, 17 Hun 439

284. (Many Acts)

1883 *Van Voorhis v. Kelley*, 65 How. Pr. 300

285. (New)

People v. Petrea, 30 Hun 102

288. (L. 1854, ch. 198, §§ 1, 3; L. 1852, ch. 44, § 1)

Parker v. Speer, 49 Super. 2

289. (Co. Pro.-256) Stenographers.

Wright v. Nostrand, 58 How. Pr. 184

Guth v. Dalton, 58 How. Pr. 289

292. (Many Acts) Buffalo Superior Court.

Wolf v. Jordan, 22 Hun 228

295. (L. 1854, ch. 96, § 1)

1883 *Gibbon v. Freel*, 93 N.Y. 93

308. (L. 1849, ch. 125, § 3) Brooklyn City Court.

1883 *Matter of Horace Gray*, 91 N.Y. 502.

309. (L. 1870, ch. 470, §§ 19, 20)

Weaver v. Ely, 83 N.Y. 89

310. (L. 1863, ch. 66, § 3)

1881 Clerk Brooklyn City Ct., 25 Hun 593

TITLE IV.**THE MARINE COURT OF THE CITY OF NEW YORK.****Marine Court.**

1880 People ex rel. Egan *v.* Justices Marine Ct., 8 Abb. N. C. 377;* 81 N.Y. 506;* reversing 18 Hun 333

315. (Many Acts)

1878 Lotti *v.* Krakaner, 1 Civ. Pro. 312, note
 1881 Fielding *v.* Lucas, 87 N.Y. 204*
 1881 Anderson *v.* Reilly, 66 N.Y. 189
 Callahan *v.* Mayor, 66 N.Y. 656
 1884 Winter *v.* Hamm, 5 Civ. Pro. 194

316. (Many Acts) **Jurisdiction.**

1879 People ex rel. Egan *v.* Marine Ct., 18 Hun 333; reversed,
 1880, 81 N.Y. 506;* 8 Abb. N. C. 377*
 1881 Fielding *v.* Lucas, 87 N.Y. 204*

317. (L. 1872, ch. 629, § 3)

1879 More *v.* Durr, 45 Super. 154
 1884 Hall *v.* Edmonds, 67 How. Pr. 202

327. (New) **Clerk,**

1877 Hazard *v.* Wilson, 3 Abb. N. C. 52

330. (New) **Deputy Clerk, &c.**

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335. (L. 1876, ch. 413, §§ 1, 4) **Mandates.**1883 *Grimwood v. Wilson*, 31 Hun 215**338.** (L. 1879, ch. 470, § 40)*Parker v. Conner*, 47 Supe. 5221883 *Neely v. McGrandle*, 4 Civ. Pro. 327
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1880 *People ex rel. Eagan v. Justices Marine Court*, 18 Hun
333; reversed 81 N.Y. 506;* 8 Abb. N. C. 377* note.**340.** (Co. Pro. 30) **Jurisdiction.**1878 *Holbrook v. Baker*, 16 Hun 1761879 *Kline v. Corey*, 18 Hun 524*Beach v. Morrison*, 12 Hun 204*Beach v. Skillman*, 12 Hun 297*Sweet v. Flanagan*, 61 How. Pr. 327*Lenhard v. Lynch*, 62 How. Pr. 56*In re Nicholas*, 15 Hun 317*In re Rider*, 23 Hun 91*McIntyre v. Carriere*, 17 Hun 641881 *Avery v. Willis*, 24 Hun 5501882 *Coe v. Raymond*, 89 N.Y. 612*Buckhout v. Rall*, 28 Hun 486; 2 Civ. Pro. 4421883 *Mosher v. Campbell*, 30 Hun 2301882 *Rall v. Buckhout*, 2 Civ. Pro. 442**341.**1884 *Heenan v. N. Y., &c. R. R.*, 6 Civ. Pro. 348**342.** (Co. Pro. 30)1879 *Village of Rhinebeck*, 19 Hun 346*In re Ryers*, 10 Hun 93; aff'd 72 N.Y. 1*

343. (Co. Pro. 30) Removal.

1883 *Johnson v. N. Y. Ontario & W. R. R. Co.*, 30 Hun 167

348. (L. 1873, ch. 239, § 1) Jurisdiction and Powers.

1878 *Kilmer v. O'Brien*, 13 Hun 225

1881 *Avery v. Willis*, 24 Hun 550

349. (Many Acts)

Dingee v. Shears, 16 W. D. 213

Thrasher v. Bentley, 1 Abb. N. C. 39

354. (L. 1847, ch. 280, § 34) Powers.

1877 *Hazard v. Wilson*, 3 Abb. N. C. 51

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Ennis v. Boderick, 45 Super. 92

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355. (Co. Pro. 31) Terms.

1882 *Goodwin v. Griffin*, 88 N.Y. 631

1883 *Johnson v. N. Y. Ontario & Wes. R. R. Co.*, 30 Hun 167

356. (Co. Pro. 31) Appointment of Terms.

1879 *Ennis v. Boderick*, 45 Super. 92

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CHAPTER IV.

LIMITATION OF THE TIME OF ENFORCING A CIVIL REMEDY.**Limitations.**

1881 *Bean v. Tonnele*, 24 Hun 354

1882 *Hanse v. Mead*, 27 Hun 165

Guillotel v. Mayor, 10 Abb. N. C. 322, note.

Londrigan v. N. Y. & N. Haven R. R. Co., 12 Abb. N. C. 273

- 1883 *Drake v. Wilkie*, 30 Hun 541
 1884 *People ex rel. Sheridan v. French*, 31 Hun 618
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U. S. & I. Co. v. Jordan, 5 Redf. 207

362. (Co. Pro. 75)

- 1881 *Shriver v. Shriver*, 86 N.Y. 582*
In re Poillon, 5 Redf. 207

365. (Co. Pro. 78)

- 1881 *Sherman v. Kane*, 86 N.Y. 64*
 1882 *Hansee v. Mead*, 27 Hun 164; 2 Civ. Pro. 175

367. (Co. Pro. 80)

- 1881 *Sherman v. Kane*, 86 N.Y. 64*

368. (Co. Pro. 81)

- 1881 *Sherman v. Kane*, 86 N.Y. 64*
 1882 *Carleton v. Day*, 90 N.Y. 570
Hansee v. Mead, 27 Hun 164
 1883 *Bliss v. Johnson*, 94 N.Y. 236

369. (Co. Pro. 82)

- 1878 *Pope v. Hanmer*, 74 N.Y. 242;* aff'g 8 Hun 265
 1880 *Bennett v. Garlock*, 79 N.Y. 314
Argotsinger v. Vines, 82 N.Y. 313*
 1881 *Shriver v. Shriver*, 86 N.Y. 581*
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370. (Co. Pro. 83)

- 1878 *Pope v. Hanmer*, 74 N.Y. 242;* aff'g 8 Hun 265
 1880 *Argotsinger v. Vines*, 82 N.Y. 313*
 1883 *Bliss v. Johnson*, 94 N.Y. 236

- Bolton v. Schriver*, 49 Super. 171
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371. (Co. Pro. 84)

- 1878 *Pope v. Hanmer*, 74 N.Y. 272; affi'g 8 Hun 265
 1880 *Bennett v. Garlock*, 79 N.Y. 314

372. (Co. Pro. 85)

- 1878 *Pope v. Hanmer*, 74 N.Y. 242; * affi'g 8 Hun 265
 1883 *Bliss v. Johnson*, 94 N.Y. 237
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373. (Co. Pro. 86)

- 1881 *Sherman v. Kane*, 86 N.Y. 61
 1884 *Whiting v. Edmunds*, 94 N.Y. 314*

375. (Co. Pro. 88)

- 1879 *Clarke v. McCann*, 18 Hun 14
 1880 *Maples v. Mackey*, 22 Hun 230
 1879 *Organ v. Wall*, 19 Hun 184
 1881 *Shriver v. Shriver*, 86 N.Y. 582*
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 1878 *Acker v. Acker*, 16 Hun 174; rev'd, 1880, 81 N.Y. 143
 1884 *Howell v. Leavitt*, 95 N.Y. 622*
 1880 *Kernochan v. Bland*, 59 How. Pr. 97

376. (Co. Pro. 90)

- 1877 *Phillips v. Therasson*, 11 Hun 143
 1878 *Malloy v. Vanderbilt*, 4 Abb. N. C. 127; but see *Mr. Throop's* note to the section
 1881 *Kincaid v. Richardson*, 25 Hun 239; 9 Abb. N. C. 318
 1882 10 Abb. N. C. 322, note
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 1884 *Bean v. Tonnele*, 94 N. Y. 382
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 1878 *Leonard v. Leonard*, 56 How. Pr. 97

378. (Co. Pro. 90)

- 1880 Kernochan v. Bland, 59 How. Pr. 97

379. (New)

- 1880 Maples v. Mackey, 22 Hun 230
 1881 Shriver v. Shriver, 86 N.Y. 580*
 1880 Kernochan v. Bland, 59 How. Pr. 97 *old code*

380. (Co. Pro. 74)

- 1877 Phillips v. Therasson, 11 Hun 143
 Loder v. Hatfield, 71 N.Y. 104
 1879 Morris v. Budlong, 16 Hun 577
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 1880 Acker v. Acker, 81 N.Y. 145;* rev'g 16 Hun 173
 1881 Neilly v. Neilly, 23 Hun 655
 Carpenter v. Shriver, 24 Hun 464
 1883 Green v. Fry, 90 N.Y. 356
 1884 Mead v. Jenkins, 95 N.Y. 32
 People ex rel. Townshend v. Cady, 50 Super. 402

381. (Co. Pro. 90)

- 1877 Phillips v. Therasson, 11 Hun 143
 1878 Acker v. Acker, 16 Hun 174; reversed 1880, 81 N.Y. 145
 Pangborn v. Miles, 10 Abb. N. C. 460
 1882 Holman v. St. John, 90 N.Y. 463
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 1884 Dwinelle v. Edy, 5 Civ. Pro. 45
 1880 Bommer v. Am. Spiral Spring B. H. M. Co., 81 N.Y. 468

382. (Co Pro. 91, sub. 3)

- Fritz v. Slade, 9 Hun 145
 1877 Phillips v. Therasson, 11 Hun 143
 Loder v. Hatfield, 71 N.Y. 104*
 1878 McGaffin v. City of Cohoes, 74 N.Y. 392*
 Derby v. Yale, 13 Hun 277
 1880 Rietz v. Rietz, 14 Hun, 536; reversed 80 N. Y. 544*
 Knox v. Baldwin, 80 N.Y. 611
 Hulbert v. Nichol, 20 Hun 457

- 1881 Carr *v.* Thompson, 87 N.Y. 163,* 190; 9 Daly 281
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- 1882 Dickinson *v.* Mayor, 28 Hun 256; 92 N.Y. 587; 10 Abb
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- 1884 Bean *v.* Tonnele, 94 N.Y. 383
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- 1884 People ex rel. Sheridan *v.* French, 31 Hun 619; 13 Abb.
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- 1882 Compton *v.* Elliott, 48 Super. 213
Knauer *v.* Globe Mut. L. I. Co., 48 Super. 455
- 1884 Knapp *v.* Simon, 6 Civ. Pro. 1
- 1882 Carr *v.* Thompson, 87 N.Y. 190
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Merritt *v.* Reid, 10 Daly 311
- 1884 Pierson *v.* McCurdy, 33 Hun 534

383, sub. 3. (Co. Pro. 92, sub. 2)

- 1878 Grover *v.* Martin, 73 N.Y. 478*
- 1883 Dickinson *v.* Mayor, 92 N.Y. 588:* 3 Civ. Pro. 93
- 1882 Dickinson *v.* Mayor, 28 Hun 254
- 1883 People ex rel. Byrne *v.* French, 3 Civ. Pro. 180; 12 Abb.
N. C. 156

383, sub. 4. (Co. Pro. 92; New)

- 1882 Dickinson *v.* Mayor, 28 Hun 256; 92 N.Y. 584; 3 Civ.
Pro. 93
- 1883 People ex rel. Byrne *v.* French, 3 Civ. Pro. 180; 12 Abb.
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383, sub. 5. (New)

- 1881 Watson *v.* 42d St. R. R. Co., 93 N.Y. 522,* aff'g 48 Super.
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- 1878 McGaffin *v.* City of Cohoes, 74 N.Y. 392*
- 1881 Carpenter *v.* Stiner, 24 Hun 465
- 1882 Guillotel *v.* Mayor, &c., 10 Abb. N. C. 318

383, at large. (Co. Pro. 92; New)

- 1882 10 Abb. N. C. 322, note
 1883 *Drake v. Wilkie*, 30 Hun 542
 Browne v. O'Brien, 41 Super. 539
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 1880 *Acker v. Acker*, 81 N.Y. 43; rev'g 1879, 16 Hun 174
 1880 *Losee v. Bullard*, 79 N.Y. 406*
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 Duckworth v. Roach, 81 N.Y. 50
 Bommer v. Am. Spiral & Hinge Man'g Co., 81 N.Y. 470

384. (Co. Pro. 93)

- 1881 *Dusenbury v. Keiley*, 85 N.Y. 386*
 Van Ingen v. Snyder, 24 Hun 82
 1883 *Drake v. Wilkie*, 30 Hun 542

385 (Co Pro. 94)

- Browne v. O'Brien*, 41 Super. 539
 1882 *People ex rel. Byrne v. French*, 12 Abb. N. C. 156
 Frankel v. Elias, 60 How. Pr. 74

386. (Co. Pro. 95)

- 1879 *Green v. Disbrow*, 79 N.Y. 4*
 1880 *Bommer v. Am. Spiral & Hinge Man'g. Co.*, 81 N.Y. 470
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 1884 *Dwinelle v. Edy*, 5 Civ. Pro. 45; 66 How. Pr. 328
 Veitz v. Un. N. Bk., 31 Hun 484
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387. (Co. Pro. 96)

- 1878 *Grover v. Martin*, 73 N.Y. 478*

388. (Co. Pro. 97)

- 1880 *Rietz v. Rietz*, 14 Hun 585; reversed 80 N.Y. 540*
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 1877 *Loder v. Hatfield*, 71 N.Y. 104*
 1881 *Lehman v. Roberts*, 86 N.Y. 236

- 1882 *Fitzpatrick v. Dorland*, 27 Hun 293
Compton v. Elliott, 48 Super. 213
- 1884 *Woolsey*, 95 N.Y. 137
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Estate of John Collins, 6 Civ. Pro. 85
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389. (Co Pro. 98)

- 1878 *Matter of Brandreth*, 14 Hun 587

390. (New)

- 1881 *Boardman v. Lake Sh. & Mich. S. R. R. Co.*, 84 N.Y. 184
- 1883 *Town of Hancock v. 1st N. Bk.*, 93 N.Y. 83
Clark v. Lake Sh. & Mich. S. R. R. Co., 94 N.Y. 219*
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391. (New)

- Merritt v. Carpenter*, 12 W. D. 233

393. (Co. Pro. 108)

- 1877 *Phillips v. Therasson*, 11 Hun 143

394. (Co. Pro. 109)

- 1877 *Phillips v. Therasson*, 11 Hun 143
- 1882 10 Abb. N. C. 323, note

395. (Co. Pro. 110)

- 1876 *Bowe v. Gans*, 9 Hun 8
- 1877 *Kincaid v. Archibald*, 10 Hun 11; affirmed 1878, 73 N.
 Y. 191*
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- 1878 *Risley v. Wightman*, 13 Hun 165
- 1879 *Fiske v. Hibbard*, 45 Super. 333
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- 1880 *Acker v. Acker*, 81 N.Y. 149 ;* rev'g 16 Hun 173
Hurlburt v. Nichol, 20 Hun 45
- 1881 *City N. Bk. of Pough'sie v. Phelps*, 86 N.Y. 492
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- 1882 *Becker v. Bochus*, 5 Redf. 488
- 1882 *Anderson v. Sibley*, 28 Hun 18
- 1883 *De Freest v. Warner*, 30 Hun 96
Morrow v. Morrow, 12 Hun 386
- 1883 *Littlefield v. Littlefield*, 91 N.Y. 207,* 210*
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- 1884 *Kydd v. Dalrymple*, 2 Dem. 630
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396. (Co. Pro. 101)

- 1877 *Clock v. Chadeague*, 10 Hun 103
- 1878 *Acker v. Acker*, 16 Hun 173 ; reversed 81 N.Y. 143
- 1881 *Lehman v. Roberts*, 86 N.Y. 236
Shriver v. Shriver, 86 N.Y. 582*
- 1882 *Matter of Becker*, 28 Hun 211
- 1883 *Accounting of Frazer*, 92 N.Y. 247*
- 1884 *Mabie v. Bailey*, 95 N.Y. 208
Estate of John Collins, 6 Civ. Pro. 85
- 1882 *Becker v. Bochus*, 5 Redf. 488

397. (New)

- 1878 *Wheelock v. Lee*, 5 Abb. N. C. 72
- 1883 *Town of Hancock v. 1st N. Bk.*, 93 N.Y. 83

399. (Co. Pro. 99, sub. 2)

- 1877 *Loder v. Hartfield*, 71 N.Y. 104*
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- 1879 *Shaw v. Cook*, 78 N.Y. 197*
- 1880 *Reeve v. Crosby*, 3 Redf. 74
- 1882 *Maples v. Mackey*, 89 N.Y. 151
- 1884 *Burgett v. Strickland*, 32 Hun 265 ; 5 Civ. Pro. 276

401. (Co. Pro. 100)

- 1877 *Clock v. Chadeague*, 10 Hun 103
 1882 10 Abb. N. C. 322, note.
 Londrigan v. N. Y. & New Haven R. R. Co., 12 Abb.
 N. C. 273; ; 49 Super. 526; 5 Civ. Pro. 76
 1883 *Ullner v. Butterfield*, 49 Super. 517
 1884 *Engle v. Fischer*, 6 Civ. Pro. 307

402. (Co. Pro. 102)

- 1877 *Clock v. Chadeague*, 10 Hun 103
 1880 *Church v. Howard*, 79 N.Y. 416
 1882 *Holsman v. St. John*, 90 N.Y. 463
 Greene v. N. Y. Central, &c. R. R. Co., 48 Super. 337; 2
 Civ. Pro. 427
 1884 *Accounting of Neilly*, 95 N. Y. 384*

403. (Many Acts)

- 1881 *Chapman v. Fonda*, 24 Hun 130
 1882 10 Abb. N. C. 324, note
 Greene v. N. Y. Central, &c. R. R. Co., 48 Super. 341; 2
 Civ. Pro. 427
 1883 *Accounting of Frazer*, 92 N.Y. 244
 1884 *Mabie v. Bailey*, 95 N.Y. 208*
 Accounting of Neilly, 95 N.Y. 384*
 1883 *Cotter v. Quinlan*, 2 Dem. 29

406. (Co. Pro. 105)

- 1877 *Von Sachs v. Kretz*, 10 Hun 95
 1878 *Wilkinson v. The 1st N. F. I. Co.*, 72 N. Y. 499;* aff'g
 1876, 9 Hun 522
 1881 *Rosenthal v. Plumb*, 25 Hun 237
 Fincke v. Funk, 25 Hun 617
 1877 *Wooster v. 42d & Grand St. Ferry R. R. Co.*, 6 Daly 528
 1883 *Morey v. Tracy*, 92 N.Y. 582
 1884 *Mead v. Jenkins*, 95 N.Y. 34*

410. (New)

- 1880 *House v. Agate*, 3 Redf. Surr. 307
 Wood v. Rusco, 4 Redf. Surr. 380

- 1880 *Carr v. Thompson*, 9 Daly 279; 87 N.Y. 160
Fischer v. Mayor, 67 N.Y. 73; rev'g 6 Hun 64; 3 Id. 648
- 1882 *Dickinson v. Mayor*, 28 Hun 257; 92 N.Y. 584; 3 Civ. Pro. 93
- 1883 *Bronson v. Munson*, 29 Hun 57
Drake v. Wilkie, 30 Hun 540
Howell v. Adams, 68 N.Y. 314; aff'g 1 Supme (T. & C.) 425
- 1884 *People ex rel. Sheridan v. French*, 13 Abb. N. C. 413; S. C., 31 Hun 617

412. (New)

- 1883 *Plympton v. Bigelow*, 12 Abb. 202; 29 Hun 362; 93 N.Y. 592
Drake v. Wilkie, 30 Hun 537

413. (Co. Pro. 74)

- 1877 *Clock v. Chadeague*, 10 Hun 102
- 1881 *Dezengremel v. Dezengremel*, 24 Hun 458
- 1882 *Hanse v. Mead*, 27 Hun 165; 2 Civ. Pro. 175
- 1883 *Gilbert v. Comstock*, 93 N.Y. 484
Budd v. Walker, 29 Hun 345; 3 Civ. Pro. 422
Plympton v. Bigelow, 29 Hun 367; 12 Abb. N. C. 202, note; 3 Civ. Pro. 189; 93 N.Y. 592
Stephens v. Cornell, 19 W. D. 306

414. (New)

- 1880 *Knox v. Baldwin*, 80 N.Y. 611
Acker v. Acker, 81 N.Y. 148*
Matter Manh. S. Inst., 82 N.Y. 144*
- 1881 *Kincaid v. Richardson*, 9 Abb. N. C. 318
- 1882 10 Abb. N. C., 322, note.
Greene v. N.Y. Central, &c. R. R. Co., 48 Super. 336; 2 Civ. Pro. 414.
- 1883 *Watson v. 42d St. R. R. Co.*, 93 N.Y. 524;* aff'g 1881, 48 Super. 45
Clarke v. Lake Shore & Mich. Southern R. R. Co., 94 N.Y. 219*
- 1883 *Drake v. Wilkie*, 30 Hun 541
Columbia I. Co., 30 Hun 343
People ex rel. Byrne v. French, 12 Abb. N. C. 158; 3 Civ. Pro. 180

32 COMMENCEMENT OF ACTION.

- Londrigan v. N.Y. &c. R. R. Co.*, 49 Super. 527; 12 Abb. N. C. 273
- 1884 *Mead v. Jenkins*, 95 N.Y. 32
Woolsey, 95 N.Y. 137
Accounting of Neilly, 95 N.Y. 383
People ex rel. Sheridan v. French, 31 Hun 619
Burgett v. Strickland, 32 Hun 265
- 1884 *People ex rel. Sheridan v. French*, 13 Abb. N. C. 413; 31 Hun 617
- 1882 *Barnard v. Onderdonk*, 2 Civ. Pro. 294
- 1883 *Londrigan v. N.Y., N. H. &c. R. R. Co.*, 5 Civ. Pro. 76; 49 Super. 526; 12 Abb. N. C. 272
- 1884 *Burgett v. Strickland*, 5 Civ. Pro. 276; 32 Hun 264; 19 W. D. 124
Guillotel v. Mayor, &c. 55 How. Pr. 114
- 1880 *House v. Agate*, 3 Redf. 307
- 1884 *Pierson v. McCurdy*, 33 Hun 532

415. (New)

- U. S. Life Ins. Co. v. Jordan*, 5 Redf. 207
Graham v. Ludington, 19 Hun 246
Van Ingen v. Snyder, 24 Hun 81
Witter v. Brewster, 12 W. D. 358
- 1880 *Thompson v. Bk of British N. A.*, 82 N.Y. 1
Gustine v. Stoddard, 23 Hun 99
Merritt v. Reid, 10 Daly 311

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COMMENCEMENT OF AND PARTIES TO AN ACTION.

- 1880 *Lewis v. Farrel*, 46 Super. 363

416. (Co. Pro. 127, 139)

- 1877 *Howell v. Adams*, 68 N.Y. 314*
- 1878 *Wallace v. Castle*, 68 N.Y. 370
Brandon Manf'g Co. v. Pettingill, 2 Abb. N. C. 163
- 1878 *McCarthy v. McCarthy*, 13 Hun 580

COMMENCEMENT OF ACTION. 33

- Kelly v. Countryman*, 15 Hun 90
- 1879 *Shaw v. Cook*, 78 N.Y. 195
- 1880 *Mojarietta v. Saenz*, 80 N.Y. 550*
- Gotendorf v. Goldschmidt*, 82 N.Y. 113*
- 1881 *Blossom v. Estes*, 84 N.Y. 61*
- Ingersoll v. Mangum*, 84 N.Y. 625; 1 Civ. Pro. 151
- Wetmore v. Wingrove*, 85 N.Y. 356
- Atl. & Pac. Tel. Co. v. Balt. & O. R. R. Co.*, 87 N.Y. 357
- 1882 *Acker v. Hautemann*, 27 Hun 48; 63 How. Pr. 280
- Pikhardt v. Antony*, 27 Hun 270
- 1883 *Attorney-General v. Cont'l L. I. Co.*, 93 N.Y. 47
- Gibbon v. Freel*, 93 N.Y. 96*
- 1884 *People ex rel. Field v. N. Pac. R. R. Co.*, 50 Super. 458

417. (Co. Pro. 422)

- Osborn v. McCloskey*, 55 How. Pr. 345
- 1880 *Wright v. Wright*, 7 Daly 62
- 1881 *Rider v. Bagley*, 84 N.Y. 465
- Wallace v. Dimmick*, 24 Hun 636
- Weil v. Martin*, 24 Hun 646; 1 Civ. Pro. 133
- Ward v. Sands*, 10 Abb. N. C. 60
- 1882 *Mayor, &c. v. Eisler*, 2 Civ. Pro. 125; 10 Daly 396
- Wiggins v. Richmond*, 58 How. Pr. 376

419. (New)

- Adams v. Ward*, 60 How. Pr. 288
- 1884 *Sweet v. Sanderson Bros.*, 6 Civ. Pro. 69.

420. (Co. Pro. 128-130) Appearance of Defendant.

- 1881 *Bullard v. Sherwood*, 85 N.Y. 253; rev'g 22 Hun 462
- 1882 *Smith v. Rathbun*, 88 N.Y. 655*
- Horton v. Ladue*, 59 How. Pr. 454
- Adams v. Ward*, 60 How. Pr. 288

421. (New)

- 1879 *Van Dyck v. McQuade*, 18 Hun 376
- Douglas v. Haberstro*, 8 Abb. N. C. 230; 58 How. Pr. 276
- Couch v. Mulhane*, 63 How. Pr. 79
- 1883 *Krouse v. Averill*, 4 Civ. Pro. 410
- 1884 *Cole v. McGarvey*, 6 Civ. Pro. 305

34 PERSONAL SERVICE OF SUMMONS.

422. (Co. Pro. 128, 129, 130)

- 1879 Douglas v. Haberstro, 8 Abb. N. C. 230; 58 How. Pr. 276
Couch v. Mulhane, 63 How. 79
1883 Krouse v. Averill, 4 Civ. Pro. 410
Bissell v. N.Y. Central R. R. Co., 67 Barb. 685
1884 Sweet v. Sanderson, 6 Civ. Pro. 69

423. (Co. Pro. 131)

- 1879 Attorney-General v. Germania L. I. Co., 77 N.Y. 274
Barker v. Burton, 67 Barb. 458

424. (Co. Pro. 139)

- 1877 Ward v. Roy, 69 N.Y. 96
1879 Attorney-General v. Germania L. I. Co., 77 N.Y. 275*
1880 Gotendorf v. Goldschmidt, 82 N.Y. 115*
1883 Catlin v. Ricketts, 91 N.Y. 669*
Bissell v. N. Y. Central R. R. Co., 67 Barb. 685
1879 Shaw v. Cook, 12 Hun 177
1882 Pomeroy v. Ricketts, 27 Hun 243; 91 N.Y. 668
1878 Wheelock v. Lee, 5 Abb. N. C. 72
1881 Ingersoll v. Mangam, 84 N.Y. 622; 1 Civ. Pro. 151
Pryer v. Clapp, 1 Dem. 387
1882 Catlin v. Moss, 2 Civ. Pro. 201
1884 Thistle v. Thistle, 5 Civ. Pro. 43
1883 Phelps v. Phelps, 6 Civ. Pro. 117

426. (Co. Pro. 134) Personal Service of Summons.

- 1880 Gotendorf v. Goldschmidt, 82 N.Y. 113*
1881 Dunford v. Weaver, 84 N.Y. 451*
Ingersoll v. Mangam, 84 N.Y. 625;* 1 Civ. Pro. 151
1882 Matter of Dolan, 88 N. Y. 316
Maples v. Mackey, 89 N.Y. 148
1883 Home Ins. Co. v. Mead, 39 Hun 407
1877 Nagle v. Taggart, 4 Abb. N. C. 144
Bellamy v. Guhl, 62 How. Pr. 460

427. (New)

- 1881 Palmer v. Phenix Mutual L. I. Co., 84 N.Y. 63 } cases under 427
Erwin v. Oregon Ry & Nav. Co., 28 Hun 269 } of old code.

428. (New)

- People ex rel. Jefferson v. Smith, 88 N.Y. 570
 1832 Smith v. Rathbun, 88 N.Y. 665
 1879 Renner v. Muller, 44 Super. 539

430. (New)

- 1879 People v. Alb'y & Vt. R. R. Co., 77 N.Y. 233

431. (L. 1860, ch. 379, § 4; Co. Pro. 134) Proof Service of Summons.

- 1879 People v. Alb'y & Vt. R. R. Co., 77 N.Y. 233
 1881 Pope v. Terre Haute Manuf'g Co., 87 N.Y. 140*
 1881 N.Y. Milk Pan Co. v. Remington's Works, 25 Hun 479
 1877 Emerson v. Auburn, &c. R. R. Co., 13 Hun 150
 Hetzel v. Tannehill Silver Mining Co., 4 Abb. N.C. 40
 1884 Hathaway v. Am. Mining Stock Co., 31 Hun 577
 Matter of N.Y. & West Shore R. R. Co., 33 Hun 152

432. (Many Acts)

- 1881 Atl. & Pac. Tel. Co. v. Balt. & O. R. R. Co., 46 Super. Ct.
 (J. & S.) 380; appealed 87 N.Y. 358*
 1881 Pope v. Terre Haute Manuf'g Co., 87 N.Y. 140;* 24 Hun
 239; 60 How. Pr. 419; 63 How. Pr. 137
 1880 Atl. & Pac. Tel. Co. v. Balt. & O. R. R. Co., 46 Super. 406
 1877 Barnes v. Mobile & N. W. R. R. Co., 12 Hun 126
 1879 Sterrett v. Denver & Rio Grande Ry. Co., 17 Hun 316
 Redington v. Mariposa L. & M. Co., 19 Hun 406
 1884 Hathaway v. Am. Mining Stock Co., 31 Hun 577
 Toronto General Trust Co. v. Chicago, &c. R. R. Co., 32
 Hun. 190
 Plympton v. Bigelow, 13 Abb. N. C. 173; 93 N.Y. 592

434. (Co. Pro. 138)

- Peck v. Richardson, 9 Hun 567
 1882 Maples v. Mackey, 89 N.Y. 148
 1878 Maples v. Mackey, 15 Hun 534
 1876 Spaulding v. Lyon, 2 Abb. N. C. 203

435. (L. 1853, ch. 511)

- 1877 *Carter v. Youngs*, 42 Super. 169
 1879 *McCarthy v. McCarthy*, 16 Hun 547; 55 How. Pr. 418
 Orr v. McEwen, 16 Hun 626
 1882 *Bogart v. Sweezey*, 26 Hun 463
 1877 *Nagle v. Taggart*, 4 Abb. N. C. 144
 1884 *Smith v. Fogarty*, 6 Civ. Pro. 366

436. (L. 1853, ch. 511)

- 1879 *Orr v. McEwen*, 16 Hun 626
 Gaffney v. Bigelow, 2 Abb. N. C. 311
 1884 *Smith v. Fogarty*, 6 Civ. Pro. 366

437. (L. 1853, ch. 511, &c.)

- 1879 *Orr v. McEwen*, 16 Hun 626
 1882 *Bogart v. Sweezey*, 26 Hun 464

438. (Co. Pro. 135) **Constructive Service of Summons.**

- 1878 *Hunt v. Hunt*, 72 N. Y. 239 ;* aff'g 9 Hun 622
 1880 *Mojarietta v. Saenz*, 80 N. Y. 551*
 Belmont v. Corrian, 82 N. Y. 258*
 Gotendorf v. Goldschmidt, 82 N. Y. 113*
 1881 *Carleton v. Carleton*, 85 N. Y. 314
 De Meli v. De Meli, 90 N. Y. 654
 1878 *Angell v. Lawton*, 14 Hun 70
 McCool v. Boller, 14 Hun 74
 1879 *Ritter v. Griffith*, 16 Hun 456
 1882 *Bogart v. Sweezey*, 26 Hun 465
 Smith v. Mahon, 27 Hun 41; 2 Civ. Pro. 55
 1883 *Home Ins. Co. v. Mead*, 30 Hun 407
 O'Neil v. Bender, 30 Hun 207
 1884 *Place v. Riley*, 32 Hun 18
 Ryder v. Comfort, 1 Civ. Pro. 145, note
 1881 *Wood v. St. Louis Bolt Co.*, 1 Civ. Pro. 220
 Yenney v. Yenney, 1 Civ. Pro. 146, note
 Weil v. Martin, 1 Civ. Pro. 133
 1883 *Williamson v. Williamson*, 3 Civ. Pro. 69
 Greenbaum v. Dwyer, 4 Civ. Pro. 276
 1884 *Syracuse S. Bk v. Burton*, 6 Civ. Pro. 216

- 1882 *Market N. Bk N. Y. v. Pacific N. Bk Boston*, 11 Abb. N. C. 106

442. (Co. Pro. 135)

- 1879 *People v. Alb'y & Vt. R. R. Co.*, 77 N.Y. 233
 1882 *Orvis v. Goldschmidt*, 2 Civ. Pro. 314
 1884 *Thistle v. Thistle*, 5 Civ. Pro. 43

443. (New)

- 1883 *O'Neil v. Bender*, 30 Hun 207
 1882 *Orvis v. Goldschmidt*, 2 Civ. Pro. 314

445. (Co. Pro. 135) **Parties.**

- 1876 *Hunt v. Hunt*, 9 Hun 625
 1878 *McCarthy v. McCarthy*, 13 Hun 581

446. (Co. Pro. 107)

- 1882 *Derham v. Lee*, 87 N.Y. 604*
 1878 *People v. Mutual Gas Light Co.*, 14 Hun 158
 1882 *People ex rel. Petry v. De Bevoise*, 27 Hun 597
 1883 *Danaher v. City of Brooklyn*, 4 Civ. Pro. 286.

447. (Co. Pro. 118)

- 1876 *Hurlburt v. Banks*, 1 Abb. N. C. 161
 1878 *Dean v. White*, 16 Hun 204
 1879 *Haas v. Craighead*, 19 Hun 396
 1882 *Derham v. Lee*, 87 N.Y. 604*
 Fowler v. Mutual L. I. Co., 28 Hun 198
 1879 *Mowry v. Peet*, 7 Abb. N. C. 195
 1884 *Barr v. N.Y. L. E. & W. R. R. Co.*, 96 N.Y. 453
 Rank v. Levinus, 50 Super. 165; 5 Civ. Pro. 368
 1883 *Smith v. Crissey*, 13 Abb. N. C. 150; 4 Civ. Pro. 433
 1884 *Meigs v. Willis*, 5 Civ. Pro. 106
 Keeler v. McNeirney, 6 Civ. Pro. 363

448. (Co. Pro. 119)

- 1877 *Tremain v. Guard. Mut. L. Ins. Co.*, 11 Hun 288
 1878 *Dean v. Whiton*, 16 Hun 204

- 1879 *Bockes v. Hathorn*, 78 N.Y. 226*
 1883 *Farnsworth v. Wood*, 91 N.Y. 314*
 1877 *Clegg v. Aikens*, 5 Abb. N. C. 95
 1878 *Brainerd v. Bertram*, 5 Abb. N. C. 103.
 Marie v. Garrison, 83 N.Y. 14
 1884 *Van Horne v. Francis*, 32 Hun 502; note, found on p. 506
 Spies v. Roberts, 50 Super. 305
 1883 *Smith v. Crissey*, 13 Abb. N. C. 151; 4 Civ. Pro. 433.

449. (Co. Pro. 111, 113)

- 1875 *Stilwell v. Carpenter*, 2 Abb. N. C. 253
 1877 *Hays v. Southgate*, 10 Hun 514
 1878 *Grat v. N. L. I. Co.*, 15 Hun 76
 People ex rel. Becan v. Strutter, 16 Hun 235
 Schaefer v. Henkel, 75 N.Y. 384*
 Hays v. Hathorn, 74 N.Y. 487
 1880 *Funch v. Abenheim*, 20 Hun 4
 1881 *Williams v. Kiernan*, 25 Hun 358
 Greene v. Republic Ins. Co., 54 N.Y. 572
 Potts v. Mayor, 86 N.Y. 303*
 Payne v. Becker, 87 N.Y. 158*
 1883 *Farnsworth v. Wood*, 91 N.Y. 310
 Fellows v. Longycr, 91 N.Y. 325
 Wetmore v. Porter, 92 N.Y. 83*
 Carter v. Holchan, 92 N.Y. 500
 Icelin v. Rowlands, 30 Hun 489
 Kimball v. Ives, 30 Hun 569
 1879 *Dupre v. Rein*, 7 Abb. N. C. 257
 1880 *Riggs v. American Tract Soc'y*, 7 Abb. N. C. 451
 1884 *People v. Metrop'n Tel'ne Co.*, 31 Hun 599
 People ex rel. Nash v. Faulkner, 31 Hun 322
 Muser v. Lewis, 14 Abb. 333; modifying, in effect, *Muser*
 v. Miller, 12 Abb. N. C. 305, n.
 1881 *Horton v. Shepherd*, 1 Civ. Pro. 26
 1884 *Viadero v. Morton*, 6 Civ. Pro. 238
 1882 *Wright v. Field*, 2 McC. 141.

450. (Co. Pro. 114)

- 1881 *Adams v. Adams*, 24 Hun 403; appealed 1883, 91 N.Y. 382
 1883 *Wadsworth v. Lyon*, 93 N.Y. 203
 Janinsky v. Heidelberg, 21 Hun 429

- 1881 *Gerald v. Quam*, 10 Abb. N. C. 29
- 1883 *Bertles v. Nunan*, 12 Abb. N. C. 283
- 1883 *Muser v. Miller*, 49 Super. 431; 3 Civ. Pro. 388; 12 Abb. N. C. 305
- 1884 *Muser v. Lewis*, 50 Super. 430; 6 Civ. Pro. 135
- Van Arnam v. Ayers*, 67 Barb. 544
- 1884 *Mapes v. Brown*, 14 Abb. N. C. 95
- 1881 *Fitzgerald v. Quann*, 1 Civ. Pro. 273; 1884, 33 Hun 652
- 1880 *Hoffman v. Lachman*, 1 Civ. Pro. 278, note
- 1878 *Berrien v. Steele*, 1 Civ. Pro. 278, note
- 1881 *Fitzsimmons v. Harrington*, 1 Civ. Pro. 360
- 1883 *Trebing v. Vetter*, 12 Abb. N. C. 302
- Laude v. Smith*, 6 Civ. Pro. 51

451. (Co. Pro. 175, 135)

- 1879 *Shaw v. Cock*, 78 N.Y. 199*
- 1881 *Weil v. Martin*, 24 Hun 646; 1 Civ. Pro. 133
- Bergen v. Wyckoff*, 84 N.Y. 659; 1 Civ. Pro. 1
- 1883 *Town of Hancock v. 1st N. Bk*, 93 N.Y. 85*
- Piser v. Lockwood*, 30 Hun 7
- 1882 *Trebing v. Vetter*, 12 Abb. N. C. 302, note
- 1883 *Muser v. Milier*, 12 Abb. N. C. 305, note
- 1878 *Freeman v. Barrowcliffe*, 44 Super. 319
- 1883 *Skoag v. Novelty Co.*, 4 Civ. Pro. 144
- 1884 *Hilton v. Sinsheimer*, 5 Civ. Pro. 355

452. (Co. Pro. 122)

- 1876 *Webster v. Bond*, 9 Hun 437
- Hurlburt v. Banks*, 1 Abb. N. C. 161
- 1877 *Newman v. Marvin*, 12 Hun 236
- Conner v. Weber*, 12 Hun 580
- 1878 *Angell v. Lawton*, 14 Hun 72
- People v. Albany & Vt. R. R. Co.*, 15 Hun, 127; appealed 1879, 77 N.Y. 234*
- 1880 *Earle v. Hart*, 20 Hun 75
- 1878 *Dean v. Whiton*, 16 Hun 204
- 1879 *Hood v. Hood*, 19 Hun 301; appealed, 1881, 85 N.Y. 562
- Haas v. Craighead*, 19 Hun 398
- Prentice v. Jansen*, 79 N.Y. 480
- Pow v. Cassidy*, 79 N.Y. 615*
- Wood v. Swift*, 81 N.Y. 34*

- 1881 *Peringo v. Dowdall*, 25 Hun 236
Chandler v. Powers, 25 Hun 446
Albany S. Inst. v. Burdick, 87 N.Y. 45*
Payne v. Wendt, 87 N.Y. 325*
Derham v. Lee, 87 N.Y. 604
- 1882 *N. Y. Milk Pan Ass. v. Rem. Ag. Works*, 89 N.Y. 22
Johuston v. Stummel, 89 N.Y. 120
Farwell v. Imp'ts & Nat'l Bk, 90 N.Y. 486
- 1883 *Farnsworth v. Wood*, 91 N.Y. 311
Wetmore v. Porter, 92 N.Y. 78
Clementi v. Jackson, 92 N.Y. 593
Ithaca Gas Light Co. v. Treman, 93 N.Y. 660*
- 1877 *Divine v. Duncan*, 2 Abb. N. C. 330
- 1883 *Columbian Ins. Co.*, 30 Hun 343
Kimball v. Ives, 30 Hun 569
Ithaca Gas Light Co. v. Treman, 30 Hun 213
- 1879 *Mowry v. Peet*, 7 Abb. N. C. 195
Banfield v. Haeger, 7 Abb. N. C. 318
Honegger v. Wettstein, 47 Super. Ct. (J. & S.) 125
- 1877 *Green v. Milbank*, 3 Abb. N. C. 138, 156
Matter of Dunn, 1 Dem. 294
- 1881 *Chandler v. Powers*, 1 Civ. Pro. 355
- 1884 *Estate of William Tilden*, 5 Civ. Pro. 449

453. (New)

- 1879 *Organ v. Wall*, 19 Hun 186
Ebbets v. Martine, 19 Hun 295
Hood v. Hood, 19 Hun 301
Haas v. Craighead, 19 Hun 398
- 1880 *People ex rel. v. Justices Marine Ct.*, 81 N.Y. 508
- 1883 *Bertles v. Nunan*, 12 Abb. N. C. 304

454. (Co. Pro. 120)

- 1878 *Hoyt v. Mead*, 13 Hun 328
Cawley v. Costello, 15 Hun 303
Dean v. Whiton, 16 Hun 204
- 1879 *Hill v. Alvord*, 19 Hun 79
- 1881 *Levin v. Haas*, 25 Hun 266
- 1882 *Quin v. Bowe*, 11 Abb. N. C. 115
- 1884 *Viadero v. Morton*, 6 Civ. Pro. 238

455. (L. 1881, ch. 282, § 1)1879 *Ely v. Clute*, 19 Hun 37**456.** (Co. Pro. 136)

1878 *Dean v. Whiton*, 16 Hun 204
 1879 *Hill v. Alvord*, 19 Hun 79
 1881 *Fleischman v. Stern*, 24 Hun 266
Smith v. Hathorn, 25 Hun 159

ARTICLE III.

*Parties prosecuting and defending as Poor Persons.***458.** (2 R. S. 444, 445, § 1)

1878 *Lyons v. Murat*, 4 Abb. N. C. 14
 1881 *Anonymous*, 10 Abb. N. C. 80
 1880 *Christian v. Gouge*, 10 Abb. N. C. 282
 1882 *Kleinpeter v. Enell*, 2 Civ. Pro. 21
Nichols v. Camman, 2 Civ. Pro. 375
In re Daly, 2 Civ. Pro. 22, note.
 1883 *Irving v. Garrity*, 4 Civ. Pro. 105
 1884 *Erickson v. Poey*, 5 Civ. Pro. 379

460. (2 R. S. 444, 445, § 3)

1881 *Quinnan v. Clapp*, 10 Abb. N. C. 394, in notes.
 1883 *Joyce v. Cooper*, 49 Super. 115
Irving v. Garrity, 4 Civ. Pro. 105

461. (2 R. S. 444, 445, § 4)1881 *Elwin v. Routh*, 1 Civ. Pro. 131**462.** (2 R. S. 444, 445, § 5)1881 *Elwin v. Routh*, 1 Civ. Pro. 131

466. (New)

- 188 Winne v. Niagara F. I. Co., 91 N.Y. 185

467. (New)

- 1881 Quinnan v. Clapp, 10 Abb. N. C. 394, in notes.

468. (2 R. S. 446, § 1)

- 1878 Segelken v. Meyer, 14 Hun 595; appealed 1884, 94 N.Y.
480*
1883 Dodge v. Stevens, 94 N.Y. 212
1883 Segelken v. Meyer, 5 Civ. Pro. 1
1884 Matter of Watson, 2 Dem. 642

ARTICLE IV.

Infant Plaintiffs and Defendants.

- 1877 Wice v. Commercial F. I. Co., 2 Abb. N. C. 325

469. (2 R. S. 466, § 2)

- 1878 Segelken v. Meyer, 14 Hun 595
1879 Schoen v. Schlesinger, 7 Abb. N. C. 402
1880 Steinberg v. Manhattan Ry. Co., 46 Super. Ct. (J. & S.) 216
1884 Matter of Maug, 50 Super. 96
1882 Kleinpeter v. Enell, 2 Civ. Pro. 21
In re Daly, 2 Civ. Pro. 22, note.
1884 Matter of Maug, 5 Civ. Pro. 162
Hayes v. 2nd Ave. R. R. Co., 5 Civ. Pro. 155

470. (Co. Pro. 116, sub. 1)

- 1879 Freund v. Washburn, 17 Hun 545

471. (Co. Pro. 116, sub. 2)

- 1880 Gotendorf v. Goldschmidt, 82 N.Y. 114*
1881 Ingersoll v. Mangam, 84 N.Y. 625; * 1 Civ. Pro. 151

- 1884 *Lane v. Lane*, 95 N.Y. 495
 1883 *Cole v. McGarvey*, 6 Civ. Pro. 305

476. (See Rule 57) Complaint.

- 1878 *Segelken v. Meyer*, 14 Hun 595; 1884, 94 N.Y. 485*

479. (Co. Pro. 130)

- 1884 *Sweet v. Sanderson Bros. Steel Co.*, 6 Civ. Pro. 69

480. (New)

- Martin v. Gould*, 41 Super. 544

481. (Co. Pro. 142)

- 1877 *Brown v. Champlin*, 66 N.Y. 214
Barr v. Shaw, 10 Hun 580
 1878 *Bowery N. Bk v. Duryee*, 74 N.Y. 495*
Western R. R. v. Bayne, 75 N.Y. 4*
Taylor v. Faas, 14 Hun 167
Cawley v. Costello, 15 Hun 303
 1881 *Dwight v. Germania L. I. Co.*, 84 N.Y. 500
Stevens v. Mayor, 84 N.Y. 301
Southwick v. 1st N. Bk Memphis, 84 N.Y. 428*
Rider v. Bagley, 84 N.Y. 464*
Kelly v. Waterbury, 87 N.Y. 181
Clift v. Rogers, 25 Hun 42
 1882 *Schultz v. 3d Ave. R. R. Co.*, 89 N.Y. 245
Smith v. Fellows, 26 Hun 384
 1884 *Neu v. McKechnie*, 95 N.Y. 634
Longprey v. Yates, 31 Hun 432
 1880 *Woodley v. Newcombe*, 9 Daly 75
Buress v. Koch, 10 Hun 299
Salisbury v. Stinson, 10 Hun 242
 1883 *Marie v. Garrison*, 13 Abb. N. C. 210; following 83 N.Y.
 14, which reversed 45 Super. 157.
 1882 *Gardner v. Locke*, 2 Civ. Pro. 252
Dorr v. Mills, 3 Civ. Pro. 7
 1883 *Velie v. Newark City Ins. Co.*, 3 Civ. Pro. 202
Prickhardt v. Robertson, 4 Civ. Pro. 113

- Morrison *v.* Lewis, 4 Civ. Pro. 437
 Dusenbury *v.* Dusenbury, 4 Civ. Pro. 126
 1884 Baldwin *v.* Doying, 5 Civ. Pro. 300
 Sprague *v.* Parsons, 6 Civ. Pro. 26

CHAPTER VI.

PLEADINGS IN COURTS OF RECORD, INCLUDING COUNTER-CLAIMS.

- 1880 Lewis *v.* Farrel, 46 Super. 363

483. (Co. Pro. 167) Complaint.

- 1879 Graham *v.* Phoenix Ins. Co., 77 N.Y. 175

484. (Co. Pro. 167)

- 1872 Glacius *v.* Black, 50 N.Y. 153*
 1877 Bradhurst *v.* Townsend, 11 Hun 104
 Andrews *v.* N. J. Steamboat Co., 11 Hun 493
 1878 Bockes *v.* Lansing, 74 N.Y. 442*
 Hay *v.* Hay, 13 Hun 316
 1879 Burroughs *v.* Tostevan, 75 N.Y. 572*
 French *v.* Salter, 17 Hun 546
 1880 Smith *v.* Rathbun, 22 Hun 157
 Weyer *v.* Beach, 79 N.Y. 410
 1881 Perry *v.* Dickerson, 85 N.Y. 346
 Price *v.* Brown, 10 Abb. N. C. 71
 1882 Fliess *v.* Buckley, 90 N.Y. 289
 1883 Nichols *v.* Drew, 94 N.Y. 26;* aff'g 25 Hun 315
 1884 People *v.* Metrop. Tel. Co., 31 Hun 598
 Teall *v.* City of Syracuse, 32 Hun 333
 Pracht *v.* Ritter, 48 Super. 509
 1881 Sullivan *v.* N.Y., N. H. & H. R. R. Co., 1 Civ. Pro. 285
 1882 Castro *v.* Uriarte, 2 Civ. Pro. 210
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 1883 Smith *v.* Davis, 4 Civ. Pro. 158
 Danaher *v.* City of Brooklyn, 4 Civ. Pro. 286

- 1884 *Welch v. Platt*, 5 Civ. Pro. 433
De Silver v. Holder, 6 Civ. Pro. 121
Polley v. Wilkisson, 5 Civ. Pro. 135
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487. (Co. Pro. 143)

- 1882 *Mowry v. Peet*, 88 N.Y. 454
 1883 *Wetmore v. Porter*, 92 N.Y. 78
 1882 *Bernard v. Morrison*, 2 Civ. Pro. 399
 1884 *Thomas v. Bogert*, 33 Hun 15

488. (Co. Pro. 144) Demurrer.

- 1868 *Allen v. City Buffalo*, 38 N.Y. 280*
 1867 *Richtmeyer v. Richtmeyer*, 58 Barb. 55
 1873 *People ex rel. Lord v. Crooke*, 53 N.Y. 468
 1877 *Home Ins. Co. v. P. R. R. Co.*, 11 Hun 184
Martin v. Walker, 12 Hun 49
De Bussiere v. Holloday, 4 Abb. N. C. 111
 1878 *Porter v. Kingsbury*, 13 Hun 37; 77 N.Y. 165, 167*
Johnson v. Adams Tobacco Co., 14 Hun 90
Frazier v. Gibson, 15 Hun 39
Moremus v. Crawford, 15 Hun 50
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 1879 *Graham v. Phoenix Ins. Co.*, 77 N.Y. 175
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Enos v. Leach, 18 Hun 141
 1880 *Dawley v. Brown*, 79 N.Y. 397*
Marie v. Garrison, 82 N.Y. 14
 1881 *Maxwell v. Pratt*, 24 Hun 450
Sherman v. Inman S. Co., 26 Hun 109
Irving N. Bk v. Corbett, 10 Abb. N. C. 86
Brewster v. Hatch, 10 Abb. N. C. 400
Pracht v. Ritter, 48 Super. 510
 1882 *Neil v. Thorn*, 88 N.Y. 272*
Fliess v. Buckley, 90 N.Y. 289
 1883 *Wetmore v. Power*, 92 N.Y. 78
Griswold v. Onondaga Co. S. Bk, 93 N.Y. 203
Nichols v. Drew, 94 N.Y. 24
4th N. Bk v. Scott, 31 Hun 304
 1884 *Alley v. Nott*, 30 Alb. L. J. 154*
Clark v. Davenport, 95 N.Y. 479
Woodward v. Republic F. I. Co., 32 Hun 374
Blount v. Wetherell, 32 Hun 389

- Gray *v.* Ryle, 50 Super. 199
 Taylor *v.* Metropolitan El. Ry Co., 50 Super. 340
 Bartholomew *v.* Lyon, 67 Barb. 86
 People *v.* Metrop. Tel. Co., 31 Hun 599
 1882 Crowley *v.* Royal Ex. Shipping Co., 2 Civ. Pro. 174
 Gardner *v.* Locke, 2 Civ. Pro. 252
 Higgins *v.* Crichton, 2 Civ. Pro. 317
 1883 Smith *v.* Davis, 4 Civ. Pro. 158
 Danaher *v.* City of Brooklyn, 4 Civ. Pro. 286
 Beal *v.* Union Paper Box Co., 4 Civ. Pro. 13
 1881 Sullivan *v.* N. Y. N. H. & H. R. R. Co., 1 Civ. Pro. 285
 1884 Gray *v.* Ryle, 5 Civ. Pro. 387
 Heenan *v.* N. Y., &c. R. R. Co., 6 Civ. Pro. 348
 Berney *v.* Drexell, 33 Hun 420

490. (Co. Pro. 145)

- 1883 Nichols *v.* Drew, 94 N.Y. 24
 1879 Enos *v.* Leach, 18 Hun 141
 1884 Teall *v.* City of Syracuse, 32 Hun 333
 Berney *v.* Drexell, 33 Hun 420

492. (Co. Pro. 145, 151)

- 1882 Bernard *v.* Morrison, 2 Civ. Pro. 399

493. (Co. Pro. 155)

- 1883 Griswold *v.* Onondaga Co. Sav'g Bk, 93 N.Y. 303

494. (Co. Pro. 153)

- Cragin *v.* Quitman, 22 Hun 103
 1877 White *v.* Drake, 3 Abb. N. C. 133
 1882 Cragin *v.* Lovell, 2 Civ. Pro. 128; 88 N.Y. 262

495. (New)

- 1882 Cragin *v.* Lovell, 88 N.Y. 262;* 2 Civ. Pro. 128
 1883 Bell *v.* Lesbini, 4 Civ. Pro. 367
 1884 Matthews *v.* Stietz, 5 Id. 235

497. (Co. Pro. 172)

- 1880 *Fisher v. Gould*, 81 N.Y. 230
 1884 *Alley v. Nott*, 30 Alb'y L. J. 154*
 1880 *Marie v. Garrison*, 82 N.Y. 21
 1883 *Nichols v. Drew*, 94 N.Y. 27*
 1878 *Wheelock v. Lee*, 5 Abb. N. C. 84*

498. (Co. Pro. 147)

- 1879 *Porter v. Kingsbury*, 77 N.Y. 165
 1880 *Dawley v. Brown*, 79 N.Y. 397*
 1882 *Cragin v. Lowell*, 88 N.Y. 258; 2 Civ. Pro. 123
 1877 *Martin v. Walker*, 12 Hun 49
 1878 *Porter v. Kingsbury*, 13 Hun 37
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 Holbrook v. Baker, 16 Hun 176
 1877 *De Bussiere v. Holloday*, 4 Abb. N. C. 111
 1884 *People v. Metrop. Tel. Co.*, 31 Hun 599
 Woodward v. Republic F. I. Co., 32 Hun 374
 Blount v. Wetherell, 32 Hun 389
 1883 *Wotherspoon v. Wotherspoon*, 49 Super. 158
 1884 *Gray v. Ryle*, 50 Super. 199
 Taylor v. Metrop. El. Ry. Co., 50 Super. 340
 Matthews v. Stietz, 5 Civ. Pro. 235

499. (Co. Pro. 148)

- 1849 *Burkle v. Eckhardt*, 3 N.Y. 132*
 1877 *Davis v. Bechstein*, 69 N.Y. 440
 1873 *Landers v. S. I. R. R. Co.*, 53 N.Y. 460*
 1878 *Wheelock v. Lee*, 74 N.Y. 497*
 1879 *Rae v. Beach*, 75 N.Y. 165
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 1882 *Neil v. Thorn*, 88 N.Y. 272*
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 Farwell v. Importers' Bk., 90 N.Y. 491*
 1883 *Griswold v. Onondaga Co. Sav'gs Bk.*, 93 N.Y. 303

- Nichols *v.* Drew, 94 N.Y. 24
- 1884 Clark *v.* Davenport, 95 N.Y. 479
- 1877 Home Ins. Co. *v.* Pa. R. R. Co., 11 Hun 184
- Martin *v.* Walker, 12 Hun 49
- 1878 Frazier *v.* Gibson, 15 Hun 39
- Morenus *v.* Crawford, 15 Hun 50
- Hand *v.* Burrows, 15 Hun 483
- Marshall *v.* Lippinan, 16 Hun 111
- 1879 Lasher *v.* N. W. N. Ins. Co., 18 Hun 101
- Enos *v.* Leach, 18 Hun 141
- 1880 William *v.* Ingersoll, 23 Hun 285
- 1881 Maxwell *v.* Pratt, 24 Hun 450
- Levin *v.* Haas, 25 Hun 267
- 1881 Sherman *v.* Inman Steamship Co., 26 Hun 109
- 1882 Thiem *v.* Madden, 27 Hun 372
- 1876 Bebinger *v.* Sweet, 1 Abb. N. C. 266
- 1883 Brown *v.* Brown, 29 Hun 504
- Brooks *v.* N. Y. & Greenwood Lake R. R. Co., 30 Hun 48
- 1884 People ex rel. Nast *v.* Faulkner, 31 Hun 322
- People *v.* Metropolitan Tel'ne Co., 31 Hun 599
- 1883 4th N. Bk *v.* Scott, 31 Hun 304
- 1884 Woodward *v.* Republic F. I. Co., 32 Hun 374
- Blount *v.* Wetherell, 32 Hun 389
- Woolley *v.* Newcombe, 9 Daly 75
- 1881 Hogan *v.* Curtin, 47 Super. 256
- 1883 Wotherspoon *v.* Wotherspoon, 49 Super. 158
- 1884 Taylor *v.* Metr'n El. Ry. Co., 50 Super. 340
- 1877 White *v.* Drake, 3 Abb. N. C. 133
- 1884 Mathews *v.* Stietz, 5 Civ. Pro. 235
- Gray *v.* Ryle, 5 Civ. Pro. 387
- Heenan *v.* N. Y., &c. R. R. Co., 6 Civ. Pro. 348

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Answer.

- 1882 Alford *v.* Cobb, 28 Hun 25
- 1880 Ennis *v.* Curry, 22 Hun 586
- 1881 Neuberger *v.* Webb, 24 Hun 348

500. (Co. Pro. 149) Answer; Counter-claim

- 1876 *Marston v. Swett*, 66 N.Y. 206, 210; rev'g 4 Hun 156
Marsh v. Dodge, 66 N.Y. 533; rev'g 4 Hun 278; S. C., 6
 Supm. (T. & C.) 568
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- 1876 *Townshend v. Townshend*, 1 Abb. N. C. 84
- 1877 *New Amsterdam S. Bk v. Tartter*, 4 Abb. N. C. 217
Stent v. Continental N. Bk, 5 Abb. N. C. 88
- 1878 *Roby v. Hallock*, 5 Abb. N. C. 86
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- 1880 *Brown v. Gallaudet*, 80 N.Y. 417*
- 1881 *Dwight v. Germania L. I. Co.*, 84 N.Y. 497
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- 1882 *Mowry v. Peet*, 88 N.Y. 454
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- 1880 *Walker v. Walker*, 8 Abb. N. C. 338
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- 1881 *Miller v. McCloskey*, 9 Abb. N. C. 308
- 1884 *Henderson v. Scott*, 32 Hun 413; 6 Civ. Pro. 39
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- 1880 *Fairchild v. Lynch*, 46 Super. 2
- 1883 *Luce v. Alexander*, 49 Super. 205; 4 Civ. Pro. 428
- 1884 *Spics v. Roberts*, 50 Super. 305
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- 1881 *Miller v. McCloskey*, 1 Civ. Pro. 252
- 1883 *Leary v. Boggs*, 3 Civ. Pro. 227
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- 1884 *Burley v. German Am. Bk*, 5 Civ. Pro. 172
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- 1883 *Hautemann v. Gray*, 5 Civ. Pro. 224
- 1884 *Pratt Man'g Co. v. Jordan Iron & Chem. Co.*, 5 Civ. Pro.
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501. (Co. Pro. 150)

- 1876 *Parsons v. Sutton*, 66 N.Y. 92; aff'g 39 Supm. 544
 1877 *Bernheimer v. Willis*, 11 Hun 17
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 247; appealed 1878, 75 N.Y. 514*
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 1878 *Lossee v. Ellis*, 13 Hun 657
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 1879 *Emery v. Wilson*, 79 N.Y. 81
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 1880 *Coffin v. McLean*, 80 N.Y. 563*
 Taylor v. The Mayor, 82 N.Y. 12
 1881 *Dwight v. Germania L. I. Co.*, 84 N.Y. 500
 People v. Dennison, 84 N.Y. 279*
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 O'Brien v. Garniss, 25 Hun 448
 Clute v. Emmerich, 26 Hun 13
 1882 *Mowry v. Peet*, 88 N.Y. 454; 7 Abb. N. C. 195
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 1883 *Finkelmayr v. Bates*, 92 N.Y. 177
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 Hun 52
 Pierson v. Safford, 30 Hun 522
 1882 *Lampkin v. Douglas*, 10 Abb. N. C. 344
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 1881 *Harlock v. Le Baron*, 1 Civ. Pro. 168
 1882 *Cragin v. Lovell*, 2 Civ. Pro. 128
 Lazarus v. Heilman, 2 Civ. Pro. 204
 883 *Heidelback v. Kilpatrick*, 3 Civ. Pro. 209
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 1883 *Bell v. Lesbini*, 4 Civ. Pro. 367
 Barnes v. Gilmore, 6 Civ. Pro. 286
 1884 *Herbert v. Day*, 33 Hun 465

502. (Many Acts)

- 1876 *Bailey v. Bergen*, 67 N.Y. 346; rev'g 4 Supm. 642
 1877 *New Amsterdam Sav'gs Bk. v. Tartter*, 4 Abb. N. C. 215
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- Montejo *v.* Earle, 5 Abb. N. C. 115
 1878 Seligman *v.* Dudley, 14 Hun 189
 1880 Coffin *v.* McLean, 80 N.Y. 563*
 Ennis *v.* Curry, 22 Hun 586
 1881 Falkland *v.* St. Nicholas N. Bk of N.Y., 84 N.Y. 149
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 1882 Mowry *v.* Peet, 88 N.Y. 454; 7 Abb. N. C. 195
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 1883 Wetmore *v.* Power, 92 N.Y. 83*
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 1881 Venable *v.* Harlin, 1 Civ. Pro. 215

505. (3 R. S. 636, § 25)

- 1883 Wetmore *v.* Power, 92 N.Y. 83*

506. (3 R. S. 635, §§ 23, 24)

- 1878 Jordan *v.* N. Shoe & Leather Bk. 12 Hun 512; 74 N.Y.
 475*
 1883 Wetmore *v.* Power, 92 N.Y. 83*
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507. (Co. Pro. 150)

- 1876 Bruce *v.* Burr, 67 N.Y. 237; affi'g 5 Daly 510
 1881 Dwight *v.* Germania L. I. Co., 84 N.Y. 497
 Shipman *v.* Lansing, 25 Hun 292
 1882 Mowry *v.* Peet, 88 N.Y. 454; 7 Abb. N. C. 195
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 1883 Chatfield *v.* Simonson, 92 N.Y. 218*
 1879 Derham *v.* Lee, 47 Super. Ct. (J. & S.) 174
 1882 Boreel *v.* Lawton, 90 N.Y. 293*

508. (New)

- 1880 Bennett *v.* Smith, 23 Hun 51
 1884 Doe *v.* Roe, 32 Hun 632

509. (New)

- 1877 *Barthet v. Elias*, 2 Abb. N. C. 364
 1882 *Mowrey v. Peet*, 88 N.Y. 454; 7 Abb. N. C. 195
 1883 *Union Dime S. Inst. v. Wilmot*, 94 N.Y. 223

511. (Co. Pro. 244)

- 1878 *Bradbury v. Winterbottom*, 18 Hun 536
 1881 *Levin v. Haas*, 25 Hun 267
 Hall v. Holt, 25 Hun 277
 Dwight v. Germania L. I. Co., 84 N.Y. 497
 Marsh v. West, Bradley &c. Co., 46 Super. Ct. (J. & S.) 8
 1882 *Davies v. The Mayor*, 48 Super. 203

512. (Co. Pro. 246) Counter-claim.

- 1881 *Dwight v. Germania L. I. Co.*, 84 N.Y. 497
 Hall v. Holt, 25 Hun 277
 1883 *Dingee v. Shears*, 29 Hun 211

514. (Co. Pro. 153)

- 1882 *Mowrey v. Peet*, 88 N.Y. 454; 7 Abb. N. C. 295
 1883 *Talcott v. Harris*, 93 N.Y. 569
 Cohn v. Husson, 66 How. 150

515. (Co. Pro. 154) Reply.

- 1880 *Argotsinger v. Vines*, 82 N.Y. 315*
 1877 *Bernheimer v. Willis*, 11 Hun 18
 1881 *Adams v. Roberts*, 1 Civ. Pro. 204

516. (Co. Pro. 153)

- 1881 *Argall v. Jacobs*, 87 N.Y. 114*
 1883 *Talcott v. Harris*, 93 N.Y. 569
 1880 *Brinkerhoff v. Brinkerhoff*, 8 Abb. N. C. 207
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 1882 10 Abb. N. C. 318, note
 1883 *Sharp v. Hutchinson*, 49 Super. 52
 1881 *Adams v. Roberts*, 1 Civ. Pro. 204
 1882 *O'Gorman v. Arnoux*, 63 How. 159

517. (New)

- 1881 *March v. West Bradley, &c. Co.*, 46 Super. Ct. (J. & S.) 8
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1881 *Adams v. Roberts*, 1 Civ. Pro. 204

518. (Co. Pro. 140) General Rules of Pleading.

- 1882 *Woolley v. Newcombe*, 87 N.Y. 607
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519. (Co. Pro. 159)

- 1880 *Neudecker v. Kohlberg*, 81 N.Y. 299
1881 *Southwark v. 1st N. Bk Memphis*, 84 N.Y. 428
1882 *Malcolm v. O'Reilly*, 89 N.Y. 156
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1878 *Dempsey v. Willett*, 16 Hun 265
1880 *Van Brunt v. Day*, 81 N.Y. 251
1884 *Spies v. Roberts*, 50 Super. 305
1883 *Malone v. Sherman*, 49 Super. 530
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520. (Co. Pro. 156) Pleadings.

- 1881 *Reilly v. Byrne*, 1 Civ. Pro. 201

521. (New)

- 1880 *Payn v. Grant*, 23 Hun 138
1881 *Alb'y S. Inst. v. Bendinck*, 87 N.Y. 46*
1882 *Edwards v. Woodruff*, 90 N.Y. 400*
1883 *Kenney v. Apgar*, 93 N.Y. 547*
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Dusenbury v. Fisher, 47 Super. 482
1884 *Meigs v. Willis*, 5 Civ. Pro. 106

522. (Co. Pro. 168)

- 1877 *Von Sachs v. Kretz*, 10 Hun 95
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- Cleaveland *v.* Hatch, 25 Hun 308
 1876 Townshend *v.* Townshend, 1 Abb. N. C. 84
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 1881 Clute *v.* Emmerich, 26 Hun 13
 1882 Fleischmann *v.* Stein, 90 N.Y. 115*
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 1883 Talcott *v.* Harris, 93 N.Y. 569
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 1884 Burnap *v.* N. Bk of Potsdam, 96 N.Y. 130*
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 1881 Adams *v.* Roberts, 1 Civ. Pro. 204

523. (Co. Pro. 156) Verification.

- 1881 Perry *v.* People, 86 N.Y. 357*
 Roache *v.* Kivlin, 25 Hun 151
 1883 Wilson *v.* Bennett, 2 Civ. Pro. 34
 1884 Davenport Glucose Man'g Co. *v.* Taussig, 5 Civ. Pro. 69
 1884 Frist *v.* Climm, 6 Civ. Pro. 30
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524. (New)

- 1877 Astie *v.* Leaming, 3 Abb. N. C. 26
 Brotherton *v.* Downey, 21 Hun 436
 1881 Neuberger *v.* Webb, 24 Hun 348
 1884 Macaulay *v.* Bromell & Baikley Printing Co., 14 Abb.
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 1884 Lidgerwood Man'g Co. *v.* Baird, 6 Civ. Pro. 54

525. (Co. Pro. 157)

- 1878 Wendt *v.* Peyser, 14 Hun, 115
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 1881 Neuberger *v.* Webb, 24 Hun 348
 1882 Hyde *v.* Galy, 27 Hun 370
 1877 Jaillard *v.* Tomes, 3 Abb. N. C. 24
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526. (Co. Pro. 157)

1882 Hyde *v.* Galy, 27 Hun 370

1884 In re Macaulay, 94 N.Y. 578*

Moorehouse *v.* Hutchinson, 2 Dem. 429

528. (New)

1877 Jaillard *v.* Tomes, 3 Abb. N. C. 24

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1879 Riggs *v.* Waydell, 78 N. Y. 586 .

1881 Roache *v.* Kivlin, 25 Hun 151

1882 Wilson *v.* Bennett, 2 Civ. Pro. 34

1883 Phelps *v.* Phelps, 6 Civ. Pro. 117

529. (2 R. S. 174 § 1)

1884 Frist *v.* Clim, 6 Civ. Pro. 30

530. (Co. Pro. 163)

1880 Horn *v.* New Lots, 82 N.Y. 102

1882 Porter *v.* Town of Greenwich, 26 Hun 335

531. (Co. Pro. 158)

1876 Orvis *v.* Dana, 1 Abb. N. C. 268

Hoff *v.* Pentz, 1 Abb. N. C. 289

Schile *v.* Brockhaue, 41 Super. 353

1877 Leigh *v.* Atwater, 2 Abb. N. C. 419

Lec *v.* Chase Man'g Co., 12 Hun 630

Moore *v.* Bellows, 42 Super. 184

1879 Clegg *v.* Am. Newsp. Union, 7 Abb. N. C. 59

1880 Dwight *v.* Germania L. I. Co., 12 Hun 172; 84 N.Y. 502*

People *v.* Cox, 23 Hun 271

Butler *v.* Mann, 9 Abb. N. C. 50

- 1881 *Gross v. Clark*, 87 N.Y. 275;* 1 Civ. Pro. 17; aff'd *Ib.* 464*
- 1882 *Barkley v. Rens. & Saratoga R. R. Co.*, 27 Hun 516; 2 Civ. Pro. 409
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- 1883 *Witkowsky v. Paramore*, 93 N.Y. 469
- 1882 *Shaffer v. Holm*, 3 Civ. Pro. 81
- 1883 *Schulhoff v. Co-operative Dress Ass.*, 3 Civ. Pro. 412
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- 1884 *Candee v. Doying*, 5 Civ. Pro. 92
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532. (Co. Pro. 161) General Rules of Pleading.

- 1878 *Manley v. Rassign*, 13 Hun 290
- 1880 *Kelly v. West*, 80 N. Y. 140
Hennequin v. Clews, 46 Super. 335
- 1881 *De Nobele v. Lee*, 47 Super. 272
- 1882 *Pringle v. Woolworth*, 90 N.Y. 504
- 1883 *Springsteen v. Gillett*, 30 Hun 261
- 1882 *Clifton v. Brown*, 2 Civ. Pro. 44
Albert Palmer Co. v. Shaw, 64 How. Pr. 80

533. (Co. Pro. 162) Pleading.

- 1879 *Tooker v. Arnoux*, 76 N.Y. 399*
- 1881 *Chemical N. Bk v. Carpentier*, 9 Abb. N. C. 301
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534. (Co. Pro. 162)

- 1879 Tooker *v.* Arnoux, 76 N.Y. 399*
 • Brown *v.* Taylor, 76 N.Y. 566*
 1878 Burke *v.* Ashley, 12 Hun 638
 Broome *v.* Taylor, 13 Hun 342
 1882 Smith *v.* Fellows, 26 Hun 384
 1879 Dupre *v.* Rein, 7 Abb. N. C. 259
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 1884 Miller *v.* McKenzie, 95 N.Y. 577

535. (Co. Pro. 164, 165) Innuendo.

- 1880 Hatfield *v.* Lasher, 17 Hun 23 ; 81 N.Y. 250*
 1881 Kelly *v.* Waterbury, 87 N.Y. 181
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 1879 Hatfield *v.* Lasher, 17 Hun 26
 1876 Daly *v.* Byrne, 1 Abb. N. C. 153
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 1884 Doe *v.* Roe, 32 Hun 632
 1882 . Newton *v.* Russell, 87 N.Y. 531

536. (Co. Pro. 165) Mitigation.

- 1877 Distin *v.* Rose, 69 N.Y. 122
 1880 Hamilton *v.* Eno, 81 N.Y. 121
 1881 Kelly *v.* Waterbury, 87 N.Y. 181
 1883 Bradner *v.* Faulkner, 93 N.Y. 517 ;* rev'g 16 W. D. 240
 1879 Hatfield *v.* Lasher, 17 Hun 26
 1880 Bennett *v.* Smith, 23 Hun 51
 1881 Wandell *v.* Edwards, 25 Hun 500
 1884 Doe *v.* Roe, 32 Hun 632
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537. (Co. Pro. 247) Frivolous.

- 1881 Rogers *v.* Vosburg, 87 N.Y. 229
 1882 Cook *v.* Warren, 88 N.Y. 39
 1877 Burking *v.* Hauselt, 9 Hun 635
 1878 Smith *v.* Rathbun, 13 Hun 47

- Webster v. Cainbridge*, 13 Hun 180
 1880 *Chatham N. Bk. v. Shipman*, 20 Hun 543
 1882 *Rice v. Childs*, 28 Hun 304
 1877 *Whritner v. Universal L. I. Co.*, 4 Abb. N. C. 23
Stent v. Continental Bk., 5 Abb. N. C. 88
 1878 *Metraz v. Pearsall*, 5 Abb. N. C. 90
 1879 *Harris v. Eldridge*, 5 Abb. N. C. 278
Decker v. Kitchen, 21 Hun 332
 1880 *Cromwell v. Burr*, 9 Daly 256
 1881 *Venable v. Harlin*, 1 Civ. Pro. 215
 1883 *Beal v. Union Paper Co.*, 4 Civ. Pro. 18
 1884 *Henderson v. Manning*, 5 Civ. Pro. 221
Wyckoff v. Andrews, 5 Civ. Pro. 410

538. (Co. Pro. 152) Sham Defence.

- 1880 *Walker v. Walker*, 82 N.Y. 261
 1881 *Rogers v. Vosburgh*, 87 N.Y. 229*
 1879 *Mayor v. James*, 17 Hun 588
 1878 *Roby v. Hallock*, 5 Abb. N. C. 86
 1880 *Walker v. Walker*, 8 Abb. N. C. 438
 1881 *Kay v. Churchill*, 10 Abb. N. C. 84
 1884 *Henderson, Jr. v. Manning*, 5 Civ. Pro. 221

539. (Co. Pro. 169) Amendments.

- 1878 *Smith v. Rathbun*, 75 N.Y. 126*
 1880 *Van Gelder v. Van Gelder*, 81 N.Y. 129
 1882 *Sidenberg v. Ely*, 90 N.Y. 260
 1877 *Thomas v. Nelson*, 69 N. Y. 118
 1884 *Davis v. Bowe*, 50 Super. 301
Spies v. Roberts, 50 Super. 305
Place v. Minster, 65 N.Y. 89
 1882 *Rowe v. Comley*, 2 Civ. Pro. 424
 1884 *Knapp v. Simon*, 6 Civ. Pro. 1

540. (Co. Pro. 170)

- 1880 *Van Gelder v. Van Gelder*, 81 N.Y. 129
 1881 *Southwick v. 1st Nat. Bk Memphis*, 84 N.Y. 428*

- 1883 *Chamberlain v. Taylor*, 92 N.Y. 350
- 1879 *Lord v. Lindsay*, 18 Hun 485
- 1877 *Dakin v. Liverpool L. Ins. Co.*, 13 Hun 122
- 1879 *Smith v. Rathbun*, 13 Hun 47
- 1884 *Davis v. Bowe*, 50 Super. 301
- Spies v. Roberts*, 50 Super. 305
- 1882 *Rowe v. Comley*, 2 Civ. Pro. 424
- 1884 *Knapp v. Simon*, 6 Civ. Pro. 1

541. (Co. Pro. 171)

- 1880 *Neudecker v. Kohlberg*, 81 N.Y. 300
- 1881 *Southwick v. First Nat. Bk of Memphis*, 84 N.Y. 428*
- 1883 *Chamberlain v. Taylor*, 92 N.Y. 350
- 1877 *Philips v. Melville*, 10 Hun 213
- 1878, 1879, *Volkening v. De Graaf*, 44 Super. 424
- 1884 *Davis v. Bowe*, 50 Super. Ct. 301
- Knapp v. Simon*, 6 Civ. Pro. 1

542. (Co. Pro. 172)

- 1883 *Nichols v. Drew*, 94 N.Y. 24
- 1880 *Ostrander v. Conkey*, 20 Hun 421
- Clifton v. Brown*, 27 Hun 232
- 1876 *Robertson v. Bennett*, 1 Abb. N. C. 476
- 1877 *Divine v. Duncan*, 2 Abb. N. C. 330
- Chandler v. Allen*, 20 Hun 421
- Robertson v. Robertson*, 9 Daly 44
- 1883 *Prescott v. Tousey*, 49 Super. 54
- Duyckinck v. N. Y. El. R. R. Co.*, 49 Super. 245; 5 Civ. Pro. 22
- 1881 *Spuyten Duyvel Rolling, &c. Co. v. Williams*, 1 Civ. Pro. 280
- 1882 *Frank v. Bush*, 2 Civ. Pro. 250
- Rider v. Bates*, 66 How. Pr. 129

543. (Co. Pro. 146)

- 1880 *Gilmore v. Barnett*, 20 Hun 514

544. (Co. Pro. 177) Supplemental.

- Rosenthal *v.* Dessau, 11 Hun 49
 1878 Spear *v.* The Mayor, &c., 72 N.Y. 443*
 Bowery Nat. Bk *v.* Duryee, 74 N.Y. 494*
 1880 Fleischmann *v.* Bennett, 79 N.Y. 579*
 1881 Peyser *v.* Wendt, 87 N.Y. 325
 1882 Conger *v.* Duryee, 90 N.Y. 597
 1883 Dorrance *v.* Henderson, 92 N.Y. 414*
 1879 Jex *v.* Jacob, 19 Hun 108; 9 Daly 253
 1882 Erwin *v.* Oregon Ry. & Nav. Co., 28 Hun 273
 1883 Holly *v.* Graf, 29 Hun 444
 Cornwall *v.* Cornwall, 30 Hun 575
 1879 Knickerbocker L. I. Co. *v.* Nelson, 7 Abb. N. C. 181, note
 1880 Jex *v.* Jacob, 7 Abb. N. C. 456
 1883 Tift *v.* Bloombarg, 4 Civ. Pro. 349
 1884 Cohn *v.* Husson, 5 Civ. Pro. 324

545. (Co. Pro. 160) Irrelevant.

- 1881 Walker *v.* Fowler, 85 N.Y. 621
 1883 Fox *v.* Erie Preserving Co., 93 N. Y. 55
 1879 McIntyre *v.* Ogden, 17 Hun 604
 1882 Younger *v.* Duffie, 26 Hun 444
 1883 Nehresheimer *v.* Bowe, 3 Civ. Pro. 368
 Hagerty *v.* Andrews, 4 Civ. Pro. 323
 1884 Davenport Glucose Manf'g Co. *v.* Taussig, 5 Civ. Pro. 69

546. (Co. Pro. 160) Indefinite.

- 1880 Marie *v.* Garrison, 83 N.Y. 23*
 1876 Dewey *v.* Moyer, 9 Hun 484
 1878 Hammond *v.* Earle, 5 Abb. N. C. 105
 1881 Haines *v.* Herrick, 9 Abb. N. C. 379
 1882 People ex rel. Swinburne *v.* Nolan, 10 Abb. N. C. 471; 63
 How. Pr. 471
 1883 Velic *v.* Newark City Ins. Co., 3 Civ. Pro. 202
 1884 Burley *v.* German Am. Bk., 5 Civ. Pro. 172
 Bacon *v.* Kendall, 49 Super. 123
 Key *v.* McSweeney, 66 How. 447

547. (Expunged 1877)

1882 *Gardner v. Locke*, 2 Civ. Pro. 252

548. (Co. Pro. 178) **Arrest and Bail.**

- 1880 *Collins v. Collins*, 80 N.Y. 26 ;* aff'g 1879, 17 Hun 598
 1876 *People v. Day*, 9 Hun, 203
 1876 *Allen v. Hyde*, 2 Abb. N. C. 197
 1879 *Townsend v. Nebenzahl*, 8 Abb. N. C. 429 ; 1880, 20 Hun 83
 1882 *Tompkins v. Smith*, 48 Super. 117

549. (Co. Pro. 179)

- 1878 *Bowery Nat'l Bk v. Duryee*, 74 N.Y. 493*
 1879 *Pierson v. Freeman*, 77 N.Y. 590
 1881 *Baxter v. Drake*, 85 N.Y. 503*
 1882 *Goodwin v. Griffin*, 88 N.Y. 630
 1884 *Segelken v. Meyer*, 94 N.Y. 485;* 5 Civ. Pro. 1
 Humphrey v. Hayes, 94 N.Y. 598*
 1877 *Jamieson v. Jamieson*, 11 Hun 38; S. C., 3 Abb. N. C. 3
 1878 *Sloane v. Livermore*, 14 Hun 30
 Welch v. Winterburn, 14 Hun 518
 Cook v. Horwitz, 14 Hun 542
 1880 *Catlin v. Adirondack Co.*, 20 Hun 19; reversed in Ct. of Appeals, June, 1880; 11 Abb. N. C. 379*
 Easton v. Cassidy, 21 Hun 459
 Hecht v. Levy, 20 Hun 51
 1880 *Peck v. Lombard*, 22 Hun 63
 1881 *Duncan v. Guest*, 24 Hun 639
 1882 *Schultz v. Schultz*, 27 Hun 26 ; 2 Civ. Pro. 282
 1877 *Gardiner v. Gardiner*, 3 Abb. N. C. 1
 1882 *Ætna Ins. Co. v. Shuler*, 28 Hun 339
 1877 *Gibbs v. Hilchborn*, 12 Hun 480
 Cormier v. Hawkins, 69 N.Y. 188
 Fellows v. Cooke, 6 Daly 204
 Josuez v. Murphy, 6 Daly 324
 1879 *Breiman v. Paasch*, 7 Abb. N. C. 253
 1880 *Sparmann v. Keim*, 9 Abb. N. C. 8, note
 Bowman v. Purtell, 47 Super. (J. & S.) 403
 Van Schaick v. Sigel, 9 Daly 383

- 1882 *Tompkins v. Smith*, 48 Super. 14
Rowe v. Patterson, 48 Super. 250
Ewart v. Schwartz, 48 Super. 392
- 1883 *Baron v. Kendall*, 49 Super. 124
Lawrence v. Foxwell, 49 Super. 277; 4 Civ. Pro. 340, 351
- 1884 *Ryle v. Brown*, 50 Super. 175
- 1877 *Ryall v. Kennedy*, 41 Super. 531
People v. Phillips, 30 Hun 554
- 1881 *Cohn v. Burtnett*, 1 Civ. Pro. 211
Tompkins v. Smith, 1 Civ. Pro. 398; 48 Super. 113
- 1883 *United States v. Reid*, 4 Civ. Pro. 1
Segelken v. Meyer, 5 Civ. Pro. 1
- 1884 *Straus v. Kreis*, 6 Civ. Pro. 77
Kaufman v. Lindner Co., 6 Civ. Pro. 148
Stern v. Moss, 6 Civ. Pro. 184
- 1882 *Haires v. Jeroloman*, 2 McC. 196

550. (Co. Pro. 179)

- 1876 *Barnett v. Selling*, 9 Hun 236; 3 Abb. N. C. 83
Kelly v. Scripture, 9 Hun 283
- 1877 *Keiley v. Dusenbury*, 2 Abb. N. C. 362
Gardiner v. Gardiner, 3 Abb. N. C. 1
Cormier v. Hawkins, 69 N.Y. 188
Fellows v. Cooke, 6 Daly 204
Gibbs v. Hildeborn, 12 Hun 480
Josuez v. Murphy, 6 Daly 324
- 1878 *Sloane v. Livermore*, 14 Hun 30
Bassett v. Pitts, 15 Hun 466
Welsh v. Winterburn, 14 Hun 518
Bowery Nat. Bk v. Duryee, 74 N.Y. 493*
Taylor v. Faas, 14 Hun 167
- 1879 *Genessee Nat. Bk v. Mead*, 18 Hun 304
- 1880 *Hecht v. Levy*, 20 Hun 51
Collins v. Collins, 80 N.Y. 26*
Cook v. Freudenthal, 80 N.Y. 205*
- 1881 *King v. Arnold*, 84 N.Y. 668
Baxter v. Drake, 85 N.Y. 505*
Bergen v. Patterson, 24 Hun 252
Duncan v. Guest, 24 Hun 639
Untermeyer v. Hutter, 26 Hun 147
- 1882 *Lachenmeyer v. Lachenmeyer*, 26 Hun 542
Tunstall v. Winton, 27 Hun 265
Ætna Ins. Co. v. Shuler, 28 Hun 339

- 1883 *Claffin v. Frenkel*, 29 Hun 289; 3 Civ. Pro. 109
Arnold v. Shapiro, 29 Hun 478
Phillips v. Phillips, 30 Hun 554
Simpson v. St. John, 93 N.Y. 364
1884 *Segelken v. Meyer*, 94 N.Y. 485*
Humphrey v. Hayes, 94 N.Y. 598*
Boucicault v. Boucicault, 21 Hun 431
1878 *Robbins v. Falconer*, 43 Super. 362
1884 *Lippman v. Shapiro*, 50 Super. 370
Allen v. Hyde, 2 Abb. N. C. 197
1882 *Castree v. Kirby*, 2 Civ. Pro. 334
1883 *Hutchinson v. Lawrence*, 3 Civ. Pro. 100
Segelken v. Meyer, 5 Civ. Pro. 1, 238
1884 *Matthews v. Stietz*, 5 Civ. Pro. 235
Stern v. Moss, 6 Civ. Pro. 184
1882 *Matter of Church*, 28 Hun 478
1884 *Ross v. Wigg*, 6 Civ. Pro. 263, 268

551. (New)

- 1882 *Lachenmeyer v. Lachenmeyer*, 26 Hun 542
Boucicault v. Boucicault, 21 Hun 431

552. (New)

- 1881 *Baxter v. Drake*, 85 N.Y. 504; * aff'g 22 Hun 565
1881 *Baxter v. Drake*, 1 Civ. Pro. 225
1882 *Carter v. Hoffman*, 2 Civ. Pro. 328

553. (Co. Pro. 179)

- 1877 *Eypert v. Bolenius*, 2 Abb. N. C. 193
1883 *Muser v. Miller*, 12 Abb. N. C. 305, note; 49 Super. 459;
3 Civ. Pro. 388

555. (2 R. S. 348, § 9)

- 1879 *Genesee R. N. Bk v. Mead*, 18 Hun 307

556. (Co. Pro. 180)

- 1878 *People ex rei. Ireland v. Donohue*, 15 Hun 446
1880 *Peck v. Lombard*, 22 Hun 63

557. (Co. Pro. 181)

- 1878 *Sloane v. Livermore*, 14 Hun 30
 1880 *Hecht v. Levy*, 20 Hun 51
 Peck v. Lombard, 22 Hun 63
 Grimes v. Davison, 2 Abb. N. C. 481
 1884 *Segelken v. Meyer*, 94 N.Y. 487*
 Phelps v. Maxwell, 2 Abb. N. C. 459
 1883 *Lawrence v. Foxwell*, 49 Super. 278
 1881 *Southern Inland Nav., &c. Co. v. Sherwin*, 1 Civ. Pro. 44
 Tompkins v. Smith, 1 Civ. Pro. 398
 1883 *Segelken v. Meyer*, 5 Civ. Pro. 1.

558. (Co. Pro. 183)

- 1878 *Bowery N. Bk v. Duryee*, 74 N.Y. 492*
 Sloane v. Livermore, 14 Hun 30
 Taylor v. Faas, 14 Hun 167
 Welch v. Winterburn, 14 Hun 518
 1879 *Genesee R. N. Bk v. Mead*, 18 Hun 304
 1880 *Hecht v. Levy*, 20 Hun 51
 1884 *Segelken v. Meyer*, 94 N.Y. 487*
 1883 *Lawrence v. Foxwell*, 49 Super. 279
 1881 *Southern Inland Nav., &c. Co. v. Sherwin*, 1 Civ. Pro. 44
 Thompkin v. Smith, 1 Civ. Pro. 398
 1883 *Segelken v. Meyer*, 5 Civ. Pro. 1

559. (Co. Pro. 182)

- 1880 *Irvin v. Judd*, 20 Hun 562
 1883 *Tunstall v. Winton*, 31 Hun 231
 Godfrey v. Pell, 4 Civ. Pro. 448
 O'Shea v. Kohn, 33 Hun 116

561. (Co. Pro. 183)

- 1878 *Kopelowitch v. Kersburg*, 13 Hun 179
 1881 *Toles v. Adeo*, 84 N.Y. 232*
 1882 *Lachenmeyer v. Lachenmeyer*, 26 Hun 545

563. (Co. Pro. 185)

- 1882 *Arteaga v. Conner*, 88 N.Y. 407

566. (Co. Pro. 183)

- 1884 *Clady v. Wood*, 66 How. Pr. 1

567. (Co. Pro. 204)

- 1878 *Steuben Co. Bk v. Alberger*, 75 N.Y. 182*
Mills v. Rodewald, 13 Hun 440
McCarthy v. McCarthy, 13 Hun 580
 1879 *Genesee R. N. Bk v. Mead*, 18 Hun 304
Talcott v. Harris, 18 Hun 569
 1883 *Harris v. Brown*, 93 N.Y. 391*

568. (Co. Pro. 205)

- 1878 *Steuben Co. Bk v. Alberger*, 75 N.Y. 182*
McCarthy v. McCarthy, 13 Hun 580
 1880 *Sutton v. Sabey*, 22 Hun 557
 1881 *Southern Inland, &c. Nav. Co. v. Sherwin*, 1 Civ. Pro. 44
Tompkins v. Smith, 1 Civ. Pro. 398
 1884 *Harris v. Durkee*, 5 Civ. Pro. 376

572. (Co. Pro. 288)

- 1878 *Schelly v. Zink*, 13 Hun 538
 1880 *People ex rel. Roberts v. Bowe*, 44
Summer v. Osborn, 22 Hun 14
Watts v. Healy, 22 Hun 491
 1879 *Schmidt v. Heitner*, 45 Super. Ct. (J. & S.) 334

573. (Co. Pro. 186)

- 1882 *Arteaga v. Conner*, 88 N.Y. 407*
Douglas v. Haberstro, 88 N.Y. 612

575. (Co. Pro. 187)

- 1878 *Davis v. Van Buren*, 6 Daly 391; 72 N.Y. 588
Cook v. Horwitz, 14 Hun 543
Adee v. Adee, 16 Hun 48
 1880 *Cook v. Freudenthal*, 80 N.Y. 206*
 1881 *Toles v. Adce*, 84 N.Y. 233*
 1882 *Arteaga v. Conner*, 88 N.Y. 408*
Boucicault v. Boucicault, 21 Hun 431

577. (Co. Pro. 192)

- 1878 *Kopelowich v. Kersburg*, 13 Hun 179
1882 *Arteaga v. Conner*, 88 N.Y. 408*

578. (Co. Pro. 193)

- 1882 *Arteaga v. Conner*, 88 N.Y. 408*
Douglas v. Haberstro, 88 N.Y. 613

580. (Co. Pro. 195)

- 1882 *Arteaga v. Conner*, 88 N.Y. 408*
Douglas v. Haberstro, 88 N.Y. 613
1883 *Lewis v. Stevens*, 93 N.Y. 58;* 4 Civ. Pro. 224

581. (Co. Pro. 196)

- 1883 *Lewis v. Stevens*, 93 N.Y. 58;* 4 Civ. Pro. 224

587. (Co. Pro. 201)

- 1879 *Douglass v. Warren*, 19 Hun 2
1880 *Cook v. Freudenthal*, 80 N.Y. 210*
Douglass v. Haberstro, 82 N.Y. 573
Watt v. Healey, 22 Hun 492
1882 *Arteaga v. Conner*, 88 N.Y. 408*
Douglass v. Haberstro, 88 N.Y. 613*
1883 *Lewis v. Stevens*, 93 N.Y. 58
Arteaga v. Conner, 47 Super. Ct. (J. & S.) 494
1882 *Cosgrove v. Bowe*, 2 Civ. Pro. 61
Arteaga v. Flack, 2 Civ. Pro. 152
Nehresheimer v. Bowe, 3 Civ. Pro. 368

589. (Co. Pro. 203)

- 1879 *Douglass v. Warren*, 19 Hun 3
1882 *Arteaga v. Conner*, 88 N.Y. 408*
1883 *Lewis v. Stevens*, 93 N.Y. 58

590. (New)

- 1878 *Kopelowich v. Kersburg*, 13 Hun 179

591. (Co. Pro. 188)

- 1880 *People ex rel. Roberts v. Bowe*, 81 N.Y. 44
Douglass v. Haberstro, 82 N.Y. 573
 1882 *Arteaga v. Conner*, 88 N.Y. 408*
 1879 *Douglass v. Warren*, 19 Hun 3

592. (Co. Pro. 188)

- 1879 *Douglass v. Warren*, 19 Hun 3

593. (Co. Pro. 189)

- 1880 *Douglas v. Haberstro*, 82 N.Y. 573
 1882 *Arteaga v. Flack*, 2 Civ. Pro. 152

595. (New)

- 1879 *Douglass v. Warren*, 19 Hun 3
 1882 *Douglass v. Haberstro*, 88 N.Y. 619;* 2 Civ. Pro. 186

596. (Co. Pro. 190)

- 1878 *Johnson v. Myer*, 17 Hun 232

597. (2 R. S. 382, § 31)

- 1878 *Johnson v. Myer*, 17 Hun 232
 1882 *Douglas v. Haberstro*, 88 N.Y. 613

598. (2 R. S. 382, § 32)

- 1882 *Douglas v. Haberstro*, 88 N.Y. 622;* 2 Civ. Pro. 186

599. (2 R. S. 382, § 33)

- 1881 *Douglas v. Haberstro*, 25 Hun 268; appealed 1882, 88
 N.Y. 619;* 2 Civ. Pro. 186
 1883 *Godfrey v. Pell*, 49 Super. 207
Godfrey v. Pell, 4 Civ. Pro. 448

600. (L. 1845, ch. 231, § 4)

- 1883 *Lawrence v. Foxwell*, 49 Super. 507
- 1882 *Nehresheimer v. Bowe*, 3 Civ. Pro. 363
- 1884 *Walsh v. Shultz*, 5 Civ. Pro. 357

601. (Co. Pro. 191)

- 1879 *Mills v. Rodewald*, 17 Hun 303
- 1880 *Mills v. Hildreth*, 81 N.Y. 23*
- Douglass v. Haberstro*, 82 N.Y. 573
- 1879 *Douglas v. Haberstro*, 8 Abb. N. C. 233
- 1884 *Walsh v. Shultz*, 5 Civ. Pro. 357

602. (Co. Pro. 218)

- 1880 *Watrous v. Kearney*, 79 N.Y. 497
- Mutual L. I. Co. v. Bigler*, 79 N.Y. 569
- 1883 *Farnsworth v. Wood*, 91 N.Y. 310
- 1877 *Troy & Boston R. R. Co. v. Boston, Hoosac Tunnel, &c. R. R. Co.*, 13 Hun 60
- 1880 *Buffalo Grape Sugar Co. v. Alberger*, 22 Hun 350
- 1881 *Darling v. Cole*, 23 Hun 531
- 1884 *Phoenix Foundry & Mach. Co. v. N. River Construction Co.*, 6 Civ. Pro. 106

603. (Co. Pro. 219) Injunction.

- 1878 *Clark v. Binninger*, 75 N.Y. 348
- Mutual L. I. Co. v. Bigler*, 79 N.Y. 570
- 1882 *McHenry v. Jewett*, 90 N.Y. 62*
- People ex rel. Negus v. Dwyer*, 90 N.Y. 403
- 1883 *Farnsworth v. Wood*, 91 N.Y. 310
- 1880 *Buffalo Grape Sugar Co. v. Alberger*, 22 Hun 351
- 1881 *Darling v. Cole*, 23 Hun 531
- 1883 *Stamm v. Bostwick*, 30 Hun 72
- 1877 *Chatterton v. Kreidler*, 2 Abb. N. C. 453
- 1882 *N.Y. & Alb'y R. R. Co. v. N.Y., West Shore & Buffalo R. R. Co.*, 11 Abb. N. C. 389
- 1880 *Atl., &c. Tel. Co. v. Balt., &c. R. R. Co.*, 46 Super. 424
- 1881 *Negus v. City of Brooklyn*, 1 Civ. Pro. 471
- 1884 *Phoenix Foundry & Mach. Co. v. N. River Construction Co.*, 6 Civ. Pro. 106
- Reis v. Rhode*, 6 Civ. Pro. 406

604. (Co. Pro. 219)

- 1878 *Clark v. Bininger*, 75 N.Y. 348
 1879 *Mutual L. I. Co. v. Nat. Bk of Newburgh*, 18 Hun 371
 1880 *Mutual L. I. Co. v. Bigler*, 79 N.Y. 570
 1883 *Farnsworth v Wood*, 91 N.Y. 310
 Hatch v. W. U. Tel. Co., 93 N.Y. 640*
 1880 *Buffalo Grape Co. v. Alberger*, 22 Hun 352
 1881 *Darling v. Cole*, 23 Hun 531
 1882 *McHenry v. Jewett*, 26 Hun 455
 N.Y. & Alb'y R. R. Co. v. N.Y., West Shore & Buffalo
 R. R. Co., 11 Abb. N. C. 390
 1880 *Atl., &c. Tel. Co. v. Balt., &c. R. R. Co.*, 46 Super. 421,
 424
 1882 *Cassel v. Fisk*, 2 Civ. Pro. 94
 Reis v. Rhode, 6 Civ. Pro. 406

606. (Co. Pro. 218)

- 1882 *People ex rel. Negus v. Dwyer*, 90 N.Y. 410*

607. (Co. Pro. 220)

- 1877 *Chatterton v. Kreidler*, 2 Abb. N. C. 453
 Tammien v. Clause, 67 Barb. 430
 1882 *People ex rel. Negus v. Dwyer*, 1 Civ. Pro. 484; 2 Civ.
 Pro. 379

608. (Co. Pro. 220)

- 1876 *Spears v. Matthews*, 66 N.Y. 127; rev'g 6 Hun 489

609. (Co. Pro. 221, 223)

- 1880 *Watrous v. Kearney*, 79 N.Y. 497
 1882 *Randall v. Carpenter*, 88 N.Y. 294
 People ex rel. Negus v. Dwyer, 1 Civ. Pro. 484

610. (New; Co. Pro. 220)

- 1880 *Atl., &c. Tel. Co. v. Balt., &c. R. R. Co.*, 46 Super. 410
 1881 *People ex rel. Negus v. Dwyer*, 1 Civ. Pro. 484

611. (2 R. S. 188, § 189)

1882 *People v. White*, 28 Hun 291

613. (2 R. S. 188, § 141)

1876 *Parker v. Nevin*, 67 N.Y. 550

1880 *Eastman v. Starr*, 22 Hun 466

1882 *Van Gelder v. Van Gelder*, 26 Hun 362

1883 *Fullar v. Hooper*, 66 How. Pr. 75

618. (2 R. S. 188, § 146)

1880 *Eastman v. Starr*, 22 Hun 466

1882 *Van Gelder v. Van Gelder*, 26 Hun 362

620. (Co. Pro. 222)

1877 *9th Ave. R. R. Co. v. N. Y. Elev. R. R. Co.*, 3 Abb. N. C. 22

1879 *Musgrave v. Sherwood*, 76 N.Y. 195*

1878 *Benedict v. Benedict*, 15 Hun 307

1883 *N. Y., West Shore & Buffalo R. R. Co. v. Omcrod*, 29 Hun 275

1883 *4th N. Bk v. Scott*, 31 Hun 301

1884 *Kelley v. McMahon*, 32 Hun 349

1882 *McCall v. Frith*, 2 Civ. Pro. 9

Kleinpeter v. Enell, 2 Civ. Pro. 21

1883 *Pratt v. Underwood*, 4 Civ. Pro. 167

623. (Co. Pro. 222, 224)

1877 *Waterbury v. Bouker*, 10 Hun 262

1877 *Jacobs v. Miller*, 11 Hun 441

1879 *Benedict v. Benedict*, 76 N.Y. 600*

1800 *Johnson v. Elwood*, 82 N.Y. 364*

1882 *Newton v. Russell*, 87 N.Y. 528

Randall v. Carpenter, 88 N.Y. 293

1883 *4th N. Bk v. Scott*, 31 Hun 302

Randall v. Carpenter, 47 Super. Ct. (J. & S.) 205

Benedict v. Dixon, 47 Super. Ct. (J. & S.) 477

1878 *Roberts v. White*, 43 Super. 457

Palmer v. Foley, 2 Abb. N. C. 191; 42 Super. 365

Packer v. Nevin, 67 N.Y. 550

1883 *Howell v. Miller*, 5 Civ. Pro. 164

625. (New)

- Griffing *v.* State, 5 How. Pr. 205
Higgins *v.* Allen, 6 Id. 30
N. Y. Ins. Co. *v.* Safford, 10 Id. 344
Wilde *v.* Joel, 15 Id. 320
1888 4th N. Bk *v.* Scott, 31 Hun 303

626. (New)

- 1878 McCarthy *v.* McCarthy, 13 Hun 580
1881 Landen *v.* Fisher, 24 Hun 650
1877 6th Ave R. R. Co. *v.* N. Y. Elev. R. R. Co., 3 Abb. N. C. 61
1884 Crounse *v.* Syracuse, &c. R. R. Co., 32 Hun 498
1881 Coffin *v.* Prospect Park & Coney Island R. R. Co., 61
How. Pr. 105

627. (Co. Pro. 225)

- 1877 Jacobs *v.* Miller, 10 Hun 230
1878 Steuben Co. Bk *v.* Alberger, 75 N. Y. 182*
1880 Watrous *v.* Kearney, 79 N. Y. 497
1881 Landen *v.* Fisher, 24 Hun 650
Zellenkoff *v.* Collins, 23 Hun 156

628. (New)

- 1878 McCarthy *v.* McCarthy, 13 Hun 579

629. (New)

- 1878 McCarty *v.* McCarty, 13 Hun 579
1884 Chamberlin *v.* Buffalo, N. Y. & P. R. R. Co., 31 Hun 341
Met. Elev. R. R. Co. *v.* Manh. R. R. Co., 65 How. Pr. 277,
319; 2 McC. 473
Williams *v.* West. Union Tel. Co., 65 How. Pr. 326

630. (New)

- 1877 Astie *v.* Leaming, 3 Abb. N. C. 25
McEncroe *v.* Decker, 58 How. Pr. 250; denied 59 How.
Pr. 274; distinguished 9 Abb. N. C. 379

635. (Co. Pro. 227, 229) Attachment of Property.

- 1876 Union C. Mining Co. of Tenn. *v.* Raht, 9 Hun 208
- 1878 Rhoner *v.* 1st N. Bk, 14 Hun 126
Kelly *v.* Countryman, 15 Hun 98
Steuben Co. Bk *v.* Alberger, 75 N.Y. 180
- 1879 Steuben Co. Bk *v.* Alberger, 78 N.Y. 255
Lyon *v.* Blakesley, 19 Hun 299
- 1881 Bogart *v.* Dart, 25 Hun 396
- 1882 Pickhardt *v.* Antony, 27 Hun 269
Pomeroy *v.* Ricketts, 27 Hun, 244 ; 91 N.Y. 668
Alford *v.* Cobb, 28 Hun 23
Clark *v.* Boreel, 21 Hun 594
- 1884 Remington Paper Co. *v.* O'Dougherty, 32 Hun 256 ; 19 W. D. 53
- 1882 Plympton *v.* Bigelow, 11 Abb. N. C. 181
Hamilton *v.* Penny, 29 Hun 265 note.
- 1882 Wittner *v.* Von Minden, 27 Hun 234
- 1882 Weiler *v.* Schreiber, 63 How. 491 ; 11 Abb. N. C. 177
- 1883 Hirsch *v.* Hutchinson, 3 Civ. Pro. 106
- 1884 Remington Paper Co. *v.* O'Dougherty, 6 Civ. Pro. 79
- 1884 King *v.* Southwick, 66 How. Pr. 282
- 1877 Taylor *v.* Reid, 54 How. 27
- 1881 Achelis *v.* Kalman, 60 How. Pr. 491
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- 1883 Smadbeck *v.* Sisson, 66 How. Pr. 220 ; 4 Civ. Pro. 353
- 1884 McBlane *v.* Speelman, 6 Civ. Pro. 401

636. (Co. Pro. 227, 229)

- 1863 Rinchey *v.* Striker, 28 N.Y. 448*
- 1877 Wallace *v.* Castle, 68 N.Y. 370
- 1879 Lyon *v.* Blakesly, 19 Hun 299
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- 1880 Robinson *v.* N. Bk. 19 Hun 479
Donnell *v.* Williams, 21 Hun 216 ; 59 How. Pr. 68
- 1881 Ruppert *v.* Haug, 87 N.Y. 143 ;* 62 How. Pr. 364 ; 1 Civ. Pro. 411
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Beare *v.* Armstrong, 26 Hun 24
- 1882 Stevens *v.* Middletown, 26 Hun 470
Pickhardt *v.* Anthony, 27 Hun 270
Pomeroy *v.* Ricketts, 27 Hun 244 ; 91 N.Y. 668
Alford *v.* Cobb, 28 Hun 23

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- Lampkin v. Douglas*, 10 Abb. N. C. 343; 63 How. Pr. 47;
27 Hun 517
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Bogart v. Livezey, 26 Hun 463
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1883 *Catlin v. Ricketts*, 91 N.Y. 670
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King v. Southwick, 63 How. Pr. 491
1884 *King v. Southwick*, 66 How. Pr. 282
McKinlay v. Fowler, 67 How. Pr. 388
1880 *German Bk. of London v. Dash*, 60 How. Pr. 124
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1884 *Golden Gate Concentration Co. v. Jackson*, 13 Abb. N. C.
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1877 *Taylor v. Reid*, 54 How. Pr. 27
1881 *Achelis v. Kalman*, 60 How. Pr. 491
1884 *Smadbeck v. Sisson*, 66 How. Pr. 220; 4 Civ. Pro. 353
1880 *Robinson v. N. Bk of New Berne*, 58 How. Pr. 506
1884 *Ross v. Wigg*, 6 Civ. Pro. 263, 268
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McBlane v. Speelman, 6 Civ. Pro. 401

637. (Co. Pro. 227, 229)

- 1881 *Rupert v. Haug*, 87 N.Y. 141
1883 *Catlin v. Ricketts*, 91 N.Y. 670*
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638. (Co. Pro. 228, 227)

- 1878 *Kelly v. Countryman*, 15 Hun 90;
1879 *Taylor v. Troncoso*, 76 N.Y. 600*
1880 *Mojarietta v. Saenz*, 80 N.Y. 549*
1881 *Blossom v. Estes*, 84 N.Y. 617*
1883 *Catlin v. Ricketts*, 91 N.Y. 669*
Gibbon v. Freel, 93 N.Y. 96;* 2 McC. 482; 65 How. 273

- 1880 *Blossom v. Estes*, 22 Hun 472
 1882 *Bogart v. Sweezey*, 26 Hun 463
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640. (Co. Pro. 230)

- 1879 *Walter v. Daly*, 17 Hun 601
 1881 *Baere v. Armstrong*, 26 Hun 201 ; 62 How. 515
 1883 *Sheldon v. Sabin*, 4 Civ. Pro. 4
 Bate v. McDowell, 48 Super. 220
 1884 *Sprague v. Parsons*, 6 Civ. Pro. 26

641. (Co. Pro. 231)

- 1876 *Mining Co. v. Raht*, 9 Hun 210
 1878 *Steuben Co. Bk v. Alberger*, 75 N.Y. 180
 1879 *Anthony v. Stype*, 19 Hun 266
 Mumper v. Rushmore, 79 N.Y. 20
 1880 *Mojarietta v. Saenz*, 80 N.Y. 550*
 Wehle v. Conner, 83 N.Y. 237*
 1881 *Matter of Flandrow*, 84 N.Y. 2
 1882 *Bills v. N. Park Bk*, 89 N.Y. 348*
 1884 *Wood v. Bodine*, 32 Hun 359
 1883 *Plympton v. Bigelow*, 13 Abb. N. C. 176 ; 93 N.Y. 597*;
 4 Civ. Pro. 189
 1882 *Neeley v. McGrandle*, 4 Civ. Pro. 327

644. (Co. Pro. 232)

- 1876 *Mining Co. v. Raht*, 90 Hun 210
 1882 *Bills v. Nat. Park Bk.*, 89 N.Y. 348*
 1883 *Plympton v. Bigelow*, 93 N.Y. 597*
 1883 *S. C.*, 29 Hun 365
 1877 *Matter of True*, 4 Abb N. C. 90
 1882 *Plympton v. Bigelow*, 11 Abb. N. C. 181 ; reversed, 1883,
 12 Abb. N. C. 202 ; affirmed, 13 Abb. N. C. 173 ; 3
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645. (New)

1881 Hall *v.* Brooks, 89 N.Y. 33

646. (L. 1845, ch. 234, § 1)

1882 Bills *v.* Nat. Park Bk. of N. Y., 47 Super. Ct. (J. & S.)
302; 89 N.Y. 343

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647. (Co. Pro. 234, 237)

1878 Dunlop *v.* Patterson F. I. Co., 74 N.Y. 149

1882 Bliss *v.* Nat. Park Bk, 47 Super. 302; 89 N.Y. 348*

1883 Plympton *v.* Bigelow, 63 How. 484; 93 N.Y. 596; S. C.,
29 Hun 365

Anthony *v.* Wood, 29 Hun 241

1882 Plympton *v.* Bigelow, 11 Abb. N. C. 181: reversed 1883,
12 Abb. N. C. 202; 1883, 12 Abb. N. C. 202 reversed,
and 11 Abb. N. C. affirmed, 13 Abb. N. C. 173; 3 Civ.
Pro. 182; 4 Civ. Pro. 189

648. (New)

1882 Bills *v.* Nat. Park Bk., 47 Super. 302; 89 N.Y. 352*
Matter of Flandrow, 28 Hun 282

1884 Davidson *v.* Chatham N. Bk., 382 Hun. 139

1882 Plympton *v.* Bigelow, 11 Abb. N. C. 182; rev'd 1883, 12
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Anthony *v.* Wood, 6 Civ. Pro. 164

649. (Co. Pro. 235)

1877 Wehle *v.* Conner, 69 N.Y. 546; rev'g 41 Super. Ct. (J. &
S.) 201

1879 Jaffray *v.* Brown, 17 Hun 576

1880 Wehle *v.* Conner, 83 N.Y. 237*

1881 Matter of Flandrow, 84 N.Y. 3*

1882 Hall *v.* Brooks, 89 N.Y. 33

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- Bills v. N. Park Bk*, 89 N.Y. 348,* 352;* 47 Super. 302
- 1883 *Claim of Flandrow*, 92 N.Y. 258*
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- 1884 *Anthony v. Wood*, 30 Alb'y L. J. 93*
- 1880 *Matter of Flandrow*, 20 Hun 38
- 1881 *Hall v. Brooks*, 25 Hun 577
- 1882 *Bates v. Plonsky*, 28 Hun 113; 2 Civ. Pro. 389; 2 McC. 231
- 1883 *Plympton v. Bigelow*, 29 Hun 365
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- 1884 *Davidson v. Chatham N. Bk*, 32 Hun 139; 5 Civ. Pro. 167
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- 1882 *Halben v. Reilly*, 9 Daly 271
- 1883 *Plympton v. Bigelow*, 12 Abb. N. C. 202 note; reversed 12 Abb. N. C. 202; 1883, 12 Abb. N. C. reversed, and 11 Abb. N. C. 181, affirmed, 3 Civ. Pro. 182; 4 Civ. Pro. 189; 66 How. Pr. 13
- 1882 *Bates v. Plonsky*, 2 Civ. Pro. 389
- 1884 *Casper v. Wallace*, 5 Civ. Pro. 361
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650. (Co. Pro. 236)

- 1882 *Hall v. Brooks*, 89 N.Y. 34
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- 1881 *Buckingham v. White*, 25 Hun 441; 1 Civ. Pro. 365
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- 1877 *Rutter v. Boyd*, 3 Abb. N. C. 6
- 1883 *Anthony v. Wood*, 29 Hun 241
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- 1884 (Appeals) *Anthony v. Wood*, 14 Abb. N. C. 383, 337
- 1881 *Smoot v. Heim*, 1 Civ. Pro. 208
- 1879 *Glen Cove Starch Manuf'g Co. v. Gotthold*, 1 Civ. Pro. 366, note
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651. (Co. Pro. 236)

- 1882 *Hall v. Brooks*, 89 N.Y. 34
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- 1881 *Buckingham v. White*, 25 Hun 441; 1 Civ. Pro. 365
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- 1877 *Rutter v. Boyd*, 3 Abb. N. C. 6
- 1883 *Anthony v. Wood*, 29 Hun 241
- 1883 *Almy v. Thurber*, 3 Civ. Pro. 351; 12 Abb. N. C. 459;
 65 How. Pr. 481
 Ess v. Toplany, 4 Civ. Pro. 173
- 1881 *Smoot v. Heim*, 1 Civ. Pro. 208
- 1879 *Glen Cove Starch Man'g Co. v. Gotthold*, 1 Civ. Pro. 366

652. (L. 1841, ch. 242, § 1)

- 1876 *Campbell v. Conner*, 41 Super. Ct. 459

655. (Co. Pro. 232)

- 1863 *Rinchev v. Striker*, 26 How. Pr. 75; 28 N.Y. 48*
- 1866 *Lawrence v. Bk. of the Republic*, 35 N.Y. 322*
- 1872 *Thurber v. Blanck*, 50 N.Y. 84*
- 1879 *Castle v. Lewis*, 78 N.Y. 137*
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- 1883 *Anthony v. Wood*, 29 Hun 242
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- 1884 *Davidson v. Chatham N. Bk*, 32 Hun 139, 140, 141; 5
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- 1882 *Hall v. Brooks*, 2 Civ. Pro. 198; 89 N.Y. 35,* 434
- 1884 *Davidson v. Chatham N. Bk*, 5 Civ. Pro. 167
 Almy v. Thurber, 12 Abb. N. C. 459; 65 How. Pr. 482;
 3 Civ. Pro. 351

656. (Co. Pro. 233, &c.)

- 1882 *Woodruff v. Imp. F. L. Co.*, 90 N.Y. 523
- 1881 *Fisk v. Spring*, 25 Hun 367; 62 How. Pr. 510; 1 Civ.
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657. (2 R. S. 4, § 10)

- 1884 *Carpenter v. Lott*, 31 Hun 351
Halben v. Reilly, 9 Daly 271

658. (2 R. S. 4, § 11)

- 1884 *Carpenter v. Lott*, 31 Hun 351

667. (2 R. S. 5, § 19)

- 1884 *Bowe v. Arnold*, 31 Hun 257
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673. (2 R. S. 4, § 26)

- 1881 *Ruppert v. Haug*, 87 N.Y. 141

674. (Co. Pro. 232)

- Wright v. Rowland*, 4 Keyes, 165
1884 *Wood v. Bodine*, 32 Hun 356
1884 *Davidson v. Chatham N. Bk.*, 5 Civ. Pro. 167

675. (New)

- 1880 *Wood v. Swift*, 81 N.Y. 33
1884 *Davidson v. Chatham N. Bk.*, 5 Civ. Pro. 167; 32 Hun
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677. (Co. Pro. 238)

- 1877 *Hodges v. Porter*, 18 Hun 245
1880 *Wood v. Swift*, 81 N.Y. 32
1882 *Bills v. N. Park Bk.*, 89 N.Y. 348*
Almy v. Thurber, 12 Abb. N. C. 453; 65 How. Pr. 482;
3 Civ. Pro. 351

80 ATTACHMENT OF PROPERTY.

678. (Co. Pro. 238)

- 1880 *Wood v. Swift*, 81 N.Y. 32
 1882 *Bills v. Nat. Park Bk.*, 89 N.Y. 348

679. (Co. Pro. 238)

- 1880 *Wood v. Swift*, 81 N.Y. 33

680. (New)

- 1880 *Wood v. Swift*, 81 N.Y. 33

681. (2 R. S. 13 § 66)

- 1884 *Wood v. Bodine*, 32 Hun 356

682. (Co. Pro. 241)

- 1878 *Steuben Co. B'k v. Alberger*, 55 How. Pr. 481; 75 N.Y. 181; * S. C., 1879, 78 N.Y. 255; rev'g 1878, S. C., 14 Hun 379; 15 Hun vi; 56 How. Pr. 345
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McCarthy v. McCarthy, 13 Hun 380
 1879 *Dusseldorf v. Redlich*, 16 Hun 624
 1880 *Woodmansee v. Rogers*, 20 Hun 285; 58 How. 98; id. 439; 59 id. 402; affirmed, 1880, 82 N.Y. 89*
Wood v. Swift, 81 N.Y. 33
 1881 *Trow's Printing &c. v. Hart*, 85 N.Y. 501; * aff'g 60 How. Pr. 190; 9 Daly 413; 1 Civ. Pro. 240
 1882 *N. S. & L. Bk v. Mec. N. Bk*, 89 N.Y. 441
 1883 *Parsons v. Sprague*, 30 Hun 19; 3 Civ. Pro. 291
 1879 *Jacobs v. Hogan*, 85 N.Y. 243; reversing 15 Hun 197
 1883 *Tim v. Smith*, 93 N.Y. 87; 13 Abb. N. C. 31; 65 How. Pr. 353
 1881 *Trow's Printing &c. Co. v. Hart*, 1 Civ. Pro. 240
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- Sheldon v. Sabin*, 4 Civ. Pro. 4
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 1884 *Watts v. Nichols*, 32 Hun 279
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683. (Co. Pro. 241)

- 1878 *Godfrey v. Godfrey*, 75 N.Y. 435; * distinguishing *Steuben Co. Bk. v. Alberger*, 75 N.Y. 181; * S. C., 1879, 78 N.Y. 255; S. C. 1880, 83 N.Y. 277; rev'g S. C. 14 Hun 379; 15 Hun 6; 56 How. Pr. 345
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 1881 *Trow Printing Co. &c. v. Hart*, 85 N.Y. 101; * aff'g 9 Daly 413; 60 How. Pr. 190; 1 Civ. Pro. 240
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 1882 *Pomeroy v. Ricketts*, 27 Hun 244; S. C., 91 N.Y. 668
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 1881 *Achelis v. Kalman*, 60 How. Pr. 491
 1885 *Sutherland v. Bradner*, N. Y. D. R. Jan. 30, 1885, p. 1.

685. (Stricken out in 1877)

- 1883 *Simpson v. St. John*, 93 N.Y. 363

686. (Co. Pro. 183)

- 1878 *Steuben Co. Bk. v. Alberger*, 75 N.Y. 180; S. C., 83 N.Y. 276
 1883 *Simpson v. St. John*, 93 N.Y. 363

82 ATTACHMENT OF PROPERTY.

687. (Co. Pro. 240)

- 1877 *Ellsworth v. Scott*, 3 Abb. N. C. 10
1883 *Parsons v. Sprague*, 30 Hun 20
1879 *Bliss v. Molter*, 8 Abb. N. C. 242
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 500; 60 How. Pr. 190 ; 1 Civ. Pro. 240
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688. (Co. Pro. 241)

- 1876 *Mining Co. v. Rath*, 9 Hun 210
1879 *Dusseldorf v. Redlich*, 16 Hun 624
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1882 *Christal v. Kelly*, 88 N.Y. 289*
1881 *Baere v. Armstrong*, 26 Hun 20
1877 *Ellsworth v. Scott*, 3 Abb. N. C. 10
1883 *Parsons v. Sprague*, 30 Hun 20
1879 *Bliss v. Molter*, 8 Abb. N. C. 242
1884 *Watts v. Nichols*, 32 Hun 279
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689. (New)

- 1882 *Christal v. Kelly*, 88 N.Y. 292*
1877 *Lamont v. Cheshire*, 65 N.Y. 30 ; 6 Lans. 234
 Gilmore v. Crowell, 67 Barb. 62
1884 *Watts v. Nichols*, 31 Hun 279
 Watts v. Nichols, 19 W. D. 165

690. (Co. Pro. 241)

- 1877 *Ellsworth v. Scott*, 3 Abb. N. C. 10

691. (Co. Pro. 241)

- 1877 *Ellsworth v. Scott*, 3 Abb. N. C. 10
1883 *Bk of Attica v. Metrop'n N. Bk.*, 91 N.Y. 239

693. (New)

- Staats v. Bristow*, 73 N.Y. 264

696. (New)

1878 *McCarthy v. McCarthy*, 13 Hun 580

701. (New)

1881 *Dwight v. Germania L. I. Co.*, 84 N.Y. 500

703. (New)

1880 *Wood v. Swift*, 81 N.Y. 33

704. (New)

1880 *Wood v. Swift*, 81 N.Y. 33

705. (New)

1880 *Wood v. Swift*, 81 N.Y. 33

707. (New)

1880 *Wood v. Swift*, 81 N.Y. 33

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1882 *McKinney v. Collins*, 88 N.Y. 224*

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1883 *Place v. Riley*, 4 Civ. Pro. 393

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708. (Co. Pro. 237)

1876 *Mining Co. v. Rath*, 9 Hun 219

1880 *Wood v. Swift*, 81 N.Y. 33

1882 *Woodruff v. Imp. F. I. Co.*, 90 N.Y. 523

1884 *Scott v. Morgan*, 94 N.Y. 516*

1883 *Wilson v. Kelly*, 31 Hun 76

1884 *Wood v. Bodine*, 32 Hun 356

1883 *Place v. Riley*, 4 Civ. Pro. 393

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709. (Co. Pro. 237)

- 1882 *Woodruff v. Imp. F. I. Co.*, 90 N.Y. 525*
 1877 *Ellsworth v. Scott*, 3 Abb. N. C. 11
 1882 *Hun v. Salter*, 92 N.Y. 651
 1883 *Hall v. U. S. Reflector Co.*, 66 How. Pr. 31; 4 Civ. Pro. 148
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710. (Co. Pro. 239)

- 1877 *Ellsworth v. Scott*, 3 Abb. N. C. 11

713. (Co. Pro. 244) **Receivers.**

- 1876 *Guernsey v. Powers*, 9 Hun 79
 1877 *King v. King*, 41 Super. 516
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 1878 *Chamberlain v. Greenleaf*, 4 Abb. N. C. 92
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 1880 *Adee v. Bigler*, 81 N.Y. 351*
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 1882 *Gallagher v. Karns*, 27 Hun 377
 1884 *Hollenbeck v. Donnell*, 94 N.Y. 345; * rev'g 29 Hun 94
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 1883 *Pratt v. Underwood*, 4 Civ. Pro. 167
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714. (New)

- 1877 *Whitney v. Welch*, 2 Abb. N. C. 442
 1878 *McCarthy v. McCarthy*, 13 Hun 580
 1883 *Pratt v. Underwood*, 4 Civ. Pro. 167
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715. (New)

- 1878 *Holmes v. McDowell*, 15 Hun 587
 1883 *Pratt v. Underwood*, 4 Civ. Pro. 167
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719. (New) Arrest, Injunction, and Attachment.

- 1879 *Stafford v. Ambs*, 8 Abb. N. C. 237
 1882 *Duncan v. Guest*, 2 Civ. Pro. 275
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CHAPTER VIII.

MISCELLANEOUS INTERLOCUTORY PROCEEDINGS, AND
REGULATIONS OF PRACTICE.

- 1888 13 Abb. N. C. 390, note.

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MISTAKES, OMISSIONS, DEFECTS, AND IRREGULARITIES.

- 1878 *Holmes v. McDowell*, 15 How. Pr. 588; *affi'd* 1879, 76 N. Y. 596
 1880 *People ex rel. Egan v. Marine Ct.*, 8 Abb. N. C. 381

721. (2 R. S. 424, § 7, &c.) Defects Cured.

- 1877 *Produce Bk v. Morton*, 40 Supcr. 328; overruled in part 67 N.Y. 199;
 1878 *Moore v. Shaw*, 15 Hun 431
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 1880 *Jex v. Jacob*, 9 Daly 295
 1879 *Moore v. Shaw*, 77 N.Y. 513*
 1880 *N. Bk v. Spencer*, 19 Hun 571
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 1881 *Dezengremel v. Dezengremel*, 24 Hun 459
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 1882 *Maples v. Mackey*, 89 N.Y. 150
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- Sidenberg *v.* Ely, 90 N.Y. 259
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722. (2 R. S. 424, § 8) Defects Supplied.

- 1878 Holmes *v.* McDowell, 15 Hun 588; *affi'd* 1879, 76 N.Y. 596
 1880 Van Gelder *v.* Van Gelder, 81 N.Y. 129
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723. (Co. Pro. 173, 176) Mistakes. Omissions.

- 1876 Philips *v.* Melville, 10 Hun 211
 1877 Smith *v.* Rathbun, 13 Hun 47; *appealed* 1878, 75 N.Y. 125*
 1879 Shaw *v.* Cock, 78 N.Y. 197;* 12 Hun 173
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- Gibbon *v.* Freel, 93 N.Y. 97; * 2 Civ. Pro. 482; 65 How. Pr. 273
- Wright *v.* Nostrand, 94 N.Y. 34
- 1884 Knapp *v.* Roche, 94 N.Y. 330
- Veeder *v.* Mudgett, 95 N.Y. 304
- 1876 Joslyn *v.* Joslyn, 9 Hun 389
- 1877 Howell *v.* Taylor, 11 Hun 215
- 1878 Risley *v.* Wightman, 13 Hun 165
- Bailey *v.* Lee, 14 Hun 524
- Hand *v.* Burrows, 15 Hun 483
- Holmes *v.* McDowell, 15 Hun 588
- Tighe *v.* Pope, 16 Hun 181; *aff'd* 1879, 76 N.Y. 596
- 1879 Hood *v.* Hood, 19 Hun 301
- Fishkill Sav. Inst. *v.* Bostwick, 19 Hun 356
- 1880 Griswold *v.* Watkins, 20 Hun 119
- Irwin *v.* Judd, 20 Hun 562
- 1884 Dezenegremel *v.* Dezenegremel, 24 Hun 459
- Weil *v.* Martin, 24 Hun 646; 1 Civ. Pro. 133
- Douglas *v.* Haberstro, 25 Hun 263; 62 How. Pr. 455
- 1881 N.Y. Milk Pan Co. *v.* Remington Works, 25 Hun 476
- Rockwell *v.* Carpenter, 25 Hun 536
- Abbott *v.* Jewett, 25 Hun 605
- 1882 Valentine *v.* McCue, 26 Hun 458
- Knapp *v.* Fowler, 26 Hun 201; 30 Hun 512
- Piper *v.* Van Buren, 27 Hun 384
- McLaughlin *v.* Brett, 27 Hun 20; 2 Civ. Pro. 194
- 1883 Kapp *v.* Fowler, 30 Hun 515
- Kibbe *v.* Wetmore, 31 Hun 424
- 1878 Exchange F. I. Co. *v.* Early, 4 Abb. N. C. 78
- McGowan *v.* Newman, 4 Abb. N. C. 80
- 1879 Knickerbocker L. I. Co. *v.* Nelson, 7 Abb. N. C. 181, note
- 1884 Lewin *v.* Wright, 31 Hun 328
- 1880 Jaggar *v.* Cunningham, 8 Daly 511
- Atl., &c. Tel. Co. *v.* Balt., &c. R. R. Co., 46 Super. Ct. (J. & S.) 380
- Robertson *v.* Robertson, 9 Daly 44
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- Storrs *v.* Flint, 46 Super. 520
- 1884 Spies *v.* Roberts, 50 Super. 305; 19 W. D. 505
- 1877 Chittenango Cotton Co. *v.* Stewart, 67 Barb. 423
- Gillies *v.* Kreuder, 1 Dem. 349
- Mapes *v.* Brown, 14 Abb. N. C. 94
- 1881 Weil *v.* Martin, 1 Civ. Pro. 133
- 1882 Havemeyer *v.* Havemeyer, 1 Civ. Pro. 443
- 1883 Reck *v.* Phoenix I. Co., 3 Civ. Pro. 376

- Skoog v. N.Y. Novelty Co., 4 Civ. Pro. 144
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724. (Co. Pro. 174)

- 1876 Dinsmore v. Adams, 66 N.Y. 518; approving 5 Hun 144
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 1880 Chapin v. Thompson, 80 N.Y. 277
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 1882 Lavalley v. Skelly, 90 N.Y. 548*
 1883 Weed v. Weed, 94 N.Y. 245
 1880 Irwin v. Judd, 20 Hun 562
 1881 Brown v. Griswold, 23 Hun 620
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 1882 Piper v. Van Buren, 27 Hun 388
 1876 Wooster v. Wuterich, 2 Abb. N. C. 206
 1882 McLachlin v. Brett, 27 Hun 20; 2 Civ. Pro. 194
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 1880 Jex v. Jacob, 9 Daly 294; 7 Abb. N. C. 461
 1884 Werbolowsky v. Greenwich Ins. Co., 14 Abb. N. C. 96;
 5 Civ. Pro. 303
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726. (Co. Pro. 422)

- 1882 Malcolm v. O'Reilly, 89 N.Y. 159

727. (2 R. S. 425, § 9)

- 1884 Werbolowsky v. Greenwich Ins. Co., 14 Abb. N. C. 96
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729. (2 R. S. 566, § 33)

- 1880 *Irwin v. Judd*, 20 Hun 562
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730. (2 R. S. 556, § 34)

- 1878 *Holmes v. McDowell*, 15 Hun 587; *aff'd* 1879, 76 N.Y. 596
 1880 *Irwin v. Judd*, 20 Hun 562
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731. (2 R. S. 553, § 20)

- 1882 *Moffat v. Henderson*, 48 Super. 453

732. (New)

- 1882 *Cass v. Higenbotam*, 27 Hun 407

733. (2 R. S. 554, §§ 21, 22)

- 1883 *Mela v. Geis*, 3 Civ. Pro. 152

735. (Co. Pro. 388)

- 1879 *Orr v. McEwen*, 16 Hun 625

737. (Co. Pro. 387)

- 1879 *Lintz v. Howard*, 18 Hun 426
 1883 *Davies v. Mayor, &c.*, 4 Civ. Pro. 290

738. (Co. Pro. 385) **Tender, Offer, &c.**

- 1879 *Beards v. Wheeler*, 76 N.Y. 215*
 1883 *Davies v. Mayor*, 93 N.Y. 251; 4 Civ. Pro. 290
 1877 *Herman v. Lyons*, 10 Hun 111; 2 Abb. N. C. 90
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- 1878 *Bradbury v. Winterbottom*, 13 Hun 536
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- 1879 *Robinson v. Marks*, 19 Hun 326
- 1882 *Moffat v. Henderson*, 48 Super. 407, 447
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- 1884 *Garrison v. Garrison*, 67 How. 271
- 1883 *Moffat v. Henderson*, 48 Super. 449

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- 1879 *Riggs v. Waydell*, 17 Hun 516; S. C., 78 N.Y. 587;* 56
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- 1878 *McFarren v. St. John*, 11 Hun 387
- 1880 *Noonan v. Smith*, 12 Abb. N. C. 337; appeals, 84 N.Y.
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- 1884 *Werbolowsky v. Greenwich Ins. Co.*, 5 Civ. Pro. 300
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744. (2 R. S. 171, § 22)

- 1884 *Matter of Moody*, 2 Dem. 625
- 1878 *McFarren v. St. John*, 14 Hun 387

TITLE III.

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THEREOF.

- 1880 *Chesterman v. Eyland*, 8 Abb. N. C. 92

745. (Many Acts)

- 1883 *Veeder v. Judson*, 91 N.Y. 395
- 1882 *Veeder v. Judson*, 27 Hun 521

747. (L. 1848, ch. 277, § 8)

- 1884 *Matter of Moody*, 2 Dem. 625
- 1882 *Veeder v. Mudgett*, 27 Hun 519

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1880 *People ex rel. Egan v. Marine Court*, 8 Abb. N. C. 381

755. (Co. Pro. 121)

1880 *People ex rel. Egan v. Justices Marine Court*, 81 N.Y. 506;*
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1882 *Newton v. Russell*, 87 N.Y. 528

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1880 *Roberts v. Marson*, 23 Hun 488

1877 *Divine v. Duncan*, 2 Abb. N. C. 330

1882 *Holsman v. St. John*, 48 Super. 307; 2 Civ. Pro. 48; 2
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1883 *Dalton v. Sandland*, 4 Civ. Pro. 73

1884 *Dock v. South Brooklyn Saw Mill Co.*, 6 Civ. Pro. 144

756. (Co. Pro. 121) **Death, or transfer of Interest.**

1883 *Concord Granite Co. v. French*, 3 Civ. Pro. 445; id. 56;
65 How. Pr. 317

1880 *People ex rel. v. Justices Marine Court*, 81 N.Y. 506*

1882 *Malcolm v. O'Reilly*, 89 N.Y. 160

1884 *Smith v. Zalinski*, 94 N.Y. 523*

1881 *N.Y. Milk Pan Co. v. Remington's Works*, 25 Hun 479

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1882 *Smith v. Zalinski*, 26 Hun 226

1878 *Cuff v. Dorland*, 7 Abb. N. C. 194

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1884 *Platt v. Ashman*, 32 Hun 234

1882 *Holsman v. St. John*, 48 Super. 307

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1884 *Estate of Tilden*, 5 Civ. Pro. 449

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757. (Co. Pro. 121)

- 1880 *People ex rel. Egan v. Justices Marine Ct.*, 81 N.Y. 505*
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- 1882 *Holsman v. St. John*, 48 Super. 307; 90 N.Y. 465
- 1877 *Philips v. Melville*, 10 Hun 212
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- 1877 *Divine v. Duncan*, 2 Abb. N. C. 328
- 1882 *McLachlin v. Brett*, 27 Hun 20; 2 Civ. Pro. 194
- 1883 *Wood v. Flynn*, 30 Hun 445
- 1877 *Evans v. Cleveland*, 12 Hun 140
- 1883 *Dalton v. Sandland*, 4 Civ. Pro. 73
- 1884 *Dock v. South Brooklyn Saw Mill Co.*, 6 Civ. Pro. 145
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758. (2 R. S. 386, § 1)

- 1879 *Randall v. Sackett*, 77 N.Y. 481;* affirming, in effect, 56
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- 1880 *Douglas v. Haberstro*, 82 N.Y. 573
- 1881 *Richardson v. Draper*, 87 N.Y. 239
- 1884 *Smith v. Zalinski*, 94 N.Y. 523*
- 1880 *Richardson v. Draper*, 23 Hun 191
- 1877 *Divine v. Duncan*, 2 Abb. N. C. 328
- 1884 *Smith v. Osborne*, 31 Hun 392
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- 1882 *Holsman v. St. John*, 48 Super. 307
- 1876 *Hauck v. Craighead*, 67 N.Y. 432; rev'g 8 Hun 237
- 1878 *Underwood v. Sutcliffe*, 21 Hun 357

759. (Many Acts)

- 1884 *Smith v. Zalinski*, 94 N.Y. 523*
- 1882 *Holsman v. St. John*, 48 Super. 307; 2 McC. 146; 90 N.
Y. 461; 2 Civ. Pro. 48

760. (Many Acts)

- 1882 *Newton v. Russell*, 87 N.Y. 528
- 1884 *Smith v. Zalinski*, 94 N.Y. 523*
- 1882 *Holsman v. St. John*, 48 Super. 307; 2 Civ. Pro. 48; 2
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761. (Co. Pro. 121)

- 1880 *Johnson v. Elwood*, 82 N.Y. 364
1882 *Holsman v. St. John*, 90 N.Y. 464*
1884 *Van Horne v. France*, 32 Hun 504: note found on p. 506

762. (New)

- 1880 *People ex rel. v. Justice's Marine Ct.*, 81 N.Y. 503

763. (2 R. S. 387, § 4)

- 1879 *Tuomey v. Dunn*, 77 N.Y. 516*
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764. (Co. Pro. 121)

- 1884 *Hegerich v. Keddie*, 32 Hun 143
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765. (Many Acts)

- 1880 *People ex rel. Egan v. Justices M. Ct.*, 81 N.Y. 507*
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Adams v. Nellis, 59 How. Pr. 385
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766. (2 R. S. 387, § 14, &c.)

- 1883 *Farnham v. Benedict*, 29 Hun 46; 16 W. D. 176
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767 (Co. Pro. 400) *Motions and Orders.*

- 1879 *Marvin v. Marvin*, 78 N.Y. 541
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 1880 *Elwood v. Roof*, 82 N.Y. 429
 1882 *Hall v. Brooks*, 89 N.Y. 34
 1884 *Myers v. Becker*, 95 N.Y. 488
 1882 *Phipps v. Carman*, 26 Hun 518
 1883 *Myers v. Becker*, 29 Hun 573
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768. (Co. Pro. 401, sub. 1)

- 1882 *Boucicault v. Boucicault*, 59 How. Pr. 131; 21 Hun 431
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 1879 *Marvin v. Marvin*, 78 N.Y. 541
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 1882 *Hall v. Brooks*, 89 N.Y. 34
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 1881 *Verplanck v. Kendall*, 47 Super. Ct. (J. & S.) 513
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 1883 *Estate of Stokes*, 3 Civ. Pro. 384
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769. (Co. Pro. 401, sub. 4)

- 1876 *Phillips v. Wheeler*, 67 N.Y. 104; aff'g 16 Abb. Pr. N. S.
 243; S. C., 2 Hun 603
 1883 *Hun v. Salter*, 92 N.Y. 651*
 1878 *McCarthy v. McCarthy*, 13 Hun 579; 54 How. Pr. 97

- 1880 *Sutton v. Saovey*, 22 Hun 567
- 1881 *Attrill v. Rockaway Beach Imp. Co.*, 25 Hun 378
- 1882 *Hull v. Hart*, 27 Hun 22
- Curtis v. Greene*, 28 Hun 295
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770. (Co. Pro. 401, sub. 2)

- 1880 *People ex rel. Mayor v. Nichols*, 79 N.Y. 584
- 1882 *Lachenmeyer v. Lachenmeyer*, 26 Hun 542; 65 How. Pr. 422
- 1880 *Boucicault v. Boucicault*, 21 Hun 431; 59 How. Pr. 131
- Robertson v. Robertson*, 9 Daly 44

772. (Co. Pro. 401, sub. 3)

- 1874 *Rogers v. Durant*, 66 N.Y. 669*
- 1881 *Bedell v. Bedell*, 86 N.Y. 521*
- 1882 *Arteaga v. Conner*, 88 N.Y. 405
- 1888 *Towr. of Hancock v. 1st N. Bk*, 93 N.Y. 84
- 1878 *McCarthy v. McCarthy*, 13 Hun 579; 54 How. Pr. 97
- 1881 *Larkin v. Steele*, 25 Hun 256
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- 1882 *Hull v. Hart*, 27 Hun 21
- 1877 *Hazard v. Wilson*, 3 Abb. N. C. 52
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- 1878 *Levy v. Loeb*, 6 Abb. N. C. 157
- 1883 *People v. N. Trust Co.*, 31 Hun 25
- 1878 *Levy v. Loeb*, 44 Super. 303
- 1876 *Morehouse v. Yeager*, 41 Super. 306
- 1844 *Marks v. King*, 13 Abb. N. C. 374
- 1883 *In re National Trust Co.*, 4 Civ. Pro. 203

774. (Co. Pro. 403)

- 1877 *Pool v. Safford*, 10 Hun 498

775. (Co. Pro. 401, sub. 6)

- 1882 *Hull v. Hart*, 27 Hun 21
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 1883 *White v. Angel*, 2 McC. 440
 1881 *Gross v. Clarke*, 1 Civ. Pro. 17
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776. (2 R. S. 281, § 27)

- 1884 *Apsley v. Wood*, 6 Civ. Pro. 178

777. (New)

- 1881 *Verplanck v. Kendall*, 47 Super. Ct. (J. & S.) 518

778. (2 R. S. 281, § 28)

- 1883 *People ex rel. Masterson v. Gallup*, 30 Hun 504

779. (L. 1847, ch. 390, § 3; L. 1876, ch. 431, § 12)

- 1878 *Marsh v. Woolsey*, 14 Hun 3
 1879 *Brown v. Kahn*, 17 Hun 599
 1881 *Brown v. Griswold*, 23 Hun 618
 1882 *Phipps v. Carman*, 26 Hun 518
 1877 *Noyes v. Children's Aid Soc.*, 3 Abb. N. C. 53
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 1882 *Jones v. Easton*, 11 Abb. N. C. 115
 1881 *Verplanck v. Kendall*, 47 Super. 513
 1884 *Marks v. King*, 13 Abb. N. C. 374
 1882 *Hoyt v. Godfrey*, 3 Civ. Pro. 118
 1883 *Valiente v. Bryan*, 3 Civ. Pro. 358
 1884 *Scofield v. Adriance*, 2 Dem. 486
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781. (Co. Pro. § 405.) Time.

- 1882 *Duche v. Buffalo Grape Sugar Co.*, 11 Abb. N. C. 235
 1884 *Sniffen v. Peck*, 6 Civ. Pro. 188
 1883 *White v. Angel*, 2 McC. 440

783. (Co. Pro. 174)

- 1878 *Equitable L. I. Soc. v. Cuyler*, 75 N.Y. 513
- 1882 *Lavalle v. Skelly*, 90 N.Y. 548*
- 1878 *Canzi v. Conner*, 4 Abb. N. C. 148
- 1882 *Duche v. Buffalo Grape Sugar Co.*, 11 Abb. N. C. 235
- 1884 *Gade v. Gade*, 14 Abb. N. C. 511
- Thompson v. Heidenreich*, 66 How. 391
- 1884 *Sniffen v. Peck*, 6 Civ. Pro. 188

784. (Co. Pro. 405)

- 1876 *Smith v. Evans*, 1 Abb. N. C. 396
- 1878 *Equitable L. I. Soc. v. Cuyler*, 75 N.Y. 113
- 1882 *Lavalle v. Skelly*, 90 N.Y. 543*
- 1881 *Lavalle v. Skelly*, 24 Hun 643
- 1882 *Piper v. Van Buren*, 27 Hun 388

786. (2 R. S. 183, § 106)

- 1876 *Travis v. Myers*, 67 N.Y. 542
- 1881 *Schuele v. Reiman*, 86 N.Y. 274*
- 1883 *Hurth v. Bowler*, 30 Hun 153

787. (Co. Pro. 425)

- 1878 *Marvin v. Marvin*, 75 N.Y. 242*
- 1882 *Market N. Bk v. Pacific N. Bk*, 89 N.Y. 400*
- 1883 *Gibbon v. Freel*, 93 N.Y. 94
- 1882 *Market N. Bk N. Y. v. Pacific N. Bk Boston*, 11 Abb. N. C. 106

788. (Co. Pro. 407)

- 1876 *Ready Roofing Co. v. Chamberlin*, 1 Abb. N. C. 192
- 1878 *Marvin v. Marvin*, 75 N.Y. 242*
- 1883 *Gibbon v. Freel*, 93 N.Y. 96*
- 1884 *Matter of Carhart*, 2 Dem. 627

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- 1877 *Black v. Continental N. Bk.*, 2 Abb. N. C. 382
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 571

790. (New)

- 1881 *Perry v. People*, 86 N.Y. 357*

791. (New)

- 1877 *Mayor v. Broadway & 7th Av. R. R. Co.*, 12 Hun 571
 1879 *Ranney v. Warren*, 17 Hun 113
 1881 *Studwell v. Charter Oak Ins. Co.*, 19 Hun 128
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 1883 *People ex rel. Augerstein v. Kinney*, 92 N.Y. 647
 1881 *Taylor v. Wing*, 1 Civ. Pro. 43
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 1883 *Angle v. Kaufman*, 4 Civ. Pro. 201
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793. (New)

- 1883 *Bk of Attica v. Metropolitan N. Bk*, 91 N.Y. 239*
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 1884 *Smith v. Keeper*, 5 Civ. Pro. 66

796. (Co. Pro. 408) **Service of Papers.**

- 1879 *Rae v. Beach*, 76 N.Y. 168*

797. (Co. Pro. 409, 410, 411)

- 1876 Gaffney *v.* Bigelow, 2 Abb. N. C. 311
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 1879 Rae *v.* Beach, 76 N.Y. 168*
 1881 Taylor *v.* Wing, 83 N.Y. 527*
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 1884 Marcele *v.* Saltzman, 66 How. Pr. 205

798. (Co. Pro. 412)

- 1872 Toomey *v.* Andrews, 48 How. Pr. 332
 1884 Marks *v.* King, 13 Abb. N. C. 374
 Marcele *v.* Saltzman, 66 How. Pr. 205

799. (Co. Pro. 414, 417)

- 1878 Tebo *v.* Baker, 16 Hun 184
 1880 Fisher *v.* Raab, 81 N.Y. 236
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 1879 Schmidt *v.* Selinger, 1 Civ. Pro. 191, note

802. (Co. Pro. 418, 408)

- 1878 Tebo *v.* Baker, 16 Hun 185
 1880 Rossner *v.* N.Y. Museum Ass., 20 Hun 182

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- 1877 Wetmore *v.* Hegeman, 3 Abb. N. C. 123
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 1881 Byrnes *v.* Dibble, 5 Redf. 586

803. (Many Acts) **Discovery of Books and Papers.**

- 1876 Smith *v.* MacDonald, 1 Abb. N. C. 352
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- 1879 *Boorman v. A. & P. R. R. Co.*, 78 N.Y. 601*
 1880 *Rossner v. N.Y. Museum Ass.*, 20 Hun 120
 1881 *Stilwell v. Priest*, 85 N.Y. 650*
 1884 *Clyde v. Rogers*, 94 N.Y. 542
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 1882 *Manley v. Bonnel*, 11 Abb. N. C. 123
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 1883 *Shoe & Leather Bk Ass. v. Bailey*, 49 Super. 387
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 1882 *Andrews v. Townshend*, 48 Super. 162
 1881 *Babbitt v. Crampton*, 1 Civ. Pro. 169
 1880 *Amsinck v. Northrop*, 1 Civ. Pro. 180, note
 1878 *Pirz v. Follett*, 1 Civ. Pro. 185, note
 1879 *Schmidt v. Selinger*, 1 Civ. Pro. 191, note
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 1883 *Dickie v. Austin*, 4 Civ. Pro. 123
 1884 *Mehesy v. Kahn*, 6 Civ. Pro. 33

804. (1 R. S. 199, § 22)

- 1881 *Stilwell v. Priest*, 85 N.Y. 650*
 1877 *Livingston v. Curtis*, 12 Hun 121
 1881 *Babbitt v. Crampton*, 1 Civ. Pro. 169
 1880 *Amsinck v. Northrop*, 1 Civ. Pro. 180, note
 1884 *Mehesy v. Kahn*, 6 Civ. Pro. 33

805. (2 R. S. 199, §§ 23, 25)

- 1880 *Rossner v. N.Y. Museum Ass.*, 20 Hun 102
 1881 *Stilwell v. Priest*, 85 N.Y. 650*
 1884 *Clyde v. Rogers*, 94 N.Y. 542
 1881 *Babbitt v. Crampton*, 1 Civ. Pro. 169
 1884 *Mehesy v. Kahn*, 6 Civ. Pro. 33

806. (2 R. S. 199, § 24)

- 1880 *Hepburn v. Archer*, 20 Hun 535
 1883 *Shoe & Leather Ass. v. Bailey*, 49 Super. 387



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807. (2 R. S. 199, § 26, Co. Pro. 388)

1883 *Shoe & Leather Ass. v. Bailey*, 49 Super. 387

808. (Co. Pro. 388)

1880 *Rosner v. N. Y. Museum Ass.*, 20 Hun 182
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809. (2 R. S. 200, § 27)

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810. (New)

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811. (New) **Bonds and Undertakings.**

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1882 *Morss v. Hasbrouck*, 10 Abb. N. C. 410 ; 63 How. Pr. 84
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812. (New ; 2 R. S. 190, § 140)

1880 *Irwin v. Judd*, 20 Hun 562
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1879 *Bliss v. Molter*, 8 Abb. N. C. 242
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813. (New)

1883 *Trask v. Annett*, 1 Dem. 171

814. (New)

- 1883 *Titus v. Fairchild*, 49 Super. 211 ; 4 Civ. Pro. 418

815. (New)

- 1867 *Potter v. Van Vranken*, 36 N.Y. 619
 1881 *Manning v. Gould*, 47 Super. Ct. (J. & S.) 387
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817. (2 R. S. 383, § 36)

- 1878 *Bech v. Ruggles*, 6 Abb. N. C. 69
 1882 *Mayor v. Mayor*, 11 Abb. N. C. 367; 64 How. Pr. 230
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 1881 *Campbell, &c. Co. v. Lyddy*, 1 Civ. Pro. 364

818. (2 R. S. 383, § 37)

- 1882 *Soloman v. Belden*, 12 Abb. N. C. 49
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820. (Co. Pro. 122) Interpleader.

- 1877 *Brennan v. Liverpool & London & Globe Ins. Co.*, 12 Hun 63
 1878 *Conner v. Weber*, 12 Hun 582
 1880 *Buffalo Grape Sugar Co. v. Alberger*, 22 Hun 532
 1881 *Delancy v. Murphy*, 24 Hun 504
 1882 *Barnes v. Mayor*, 27 Hun 238
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 1879 *Banfield v. Hager*, 7 Abb. N. C. 318
 1881 *Balt. & O. R. R. Co. v. Arthur*, 10 Abb. N. C. 147

822. (Co. Pro. 274) Neglect.

- 1878 *Ellsworth v. Brown*, 16 Hun 1
 1881 *Gross v. Clark*, 87 N.Y. 276*
 1882 *James v. Shea*, 28 Hun 75 ; 2 Civ. Pro. 358
 1881 *Gross v. Clark*, 1 Civ. Pro. 464

823. (Co. Pro. 72) Feigned Issues.

- 1880 *Chapin v. Thompson*, 80 N.Y. 276
- 1881 *Madison University v. White*, 25 Hun 492
- 1884 *Carroll v. Deimel*, 95 N.Y. 255*

824. (Co. Pro. 416)

- 1876 *Morehouse v. Yeager*, 41 Super. 306

825. (L. 1847, ch. 470, § 10)

- 1884 *Fiske v. Twigg*, 50 Super. 69
- 1884 *Fiske v. Twigg*, 5 Civ. Pro. 41

827. (L. 1847, ch. 280, § 77)

- 1883 13 Abb. N. C. 390, note.
- 1882 *Matter of Booth*, 11 Abb. N. C. 145
- 1884 *Apsley v. Wood*, 6 Civ. Pro. 178

828. (Co. Pro. 398)

- 1874 *Hodge v. City of Buffalo*, 1 Abb. N. C. 350, note
- 1876 *Miller v. Adkins*, 9 Hun 11
- 1877 *Tilton v. Ormsby*, 10 Hun 8
- Fries v. Fries*, 12 Hun 341
- 1879 *Seeley v. Clark*, 78 N.Y. 221
- People v. Crandon*, 17 Hun 493
- 1881 *Sweeny v. Sturgis*, 24 Hun 165
- 1883 *Accounting of Frazer*, 92 N.Y. 247*
- 1884 *Lane v. Lane*, 95 N.Y. 495
- Wilson v. Munoz*, 6 Civ. Pro. 71
- Estate of Le Baron*, 6 Civ. Pro. 62
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829. (Co. Pro. 399) Competency of Witnesses.

- 1875 *Stilwell v. Carpenter*, 2 Abb. N. C. 239, note
- Moody v. Pell*, 2 Abb. N. C. 274
- 1876 *Miller v. Adkins*, 9 Hun 11
- Somerville v. Crook*, 9 Hun 668
- Martin v. Hicks*, 1 Abb. N. C. 346

- Brague v. Lord*, 3 Abb. N. C. 1, note
- 1877 *Chadwick v. Forman*, 69 N.Y. 404; rev'g 6 Hun 543
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- 1878 *Kraushaar v. Meyer*, 72 N.Y. 602*
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- 1879 *Platner v. Platner*, 78 N.Y. 498*
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- 1880 *Church v. Howard*, 79 N.Y. 420;* 1879, 17 Hun 5

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- 1880 *Whitehead v. Smith*, 81 N.Y. 153*
1883 *Bradley v. Mirick*, 91 N.Y. 295*
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830. (of 1876, struck out by L. 1878, ch. 166)

- 1878 *Waver v. Waver*, 15 Hun 279
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831. (L. 1867, ch. 887, §§ 2, 3; L. 1876, ch. 426)

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- 1877 *Sims v. Sims*, 12 Hun 231
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- 1880 *People v. Moett*, 23 Hun 63
- 1881 *Perry v. People*, 86 N.Y. 356*
- 1882 *People v. McGloin*, 28 Hun 155; *aff'd* 1883, 91 N.Y. 241*
- 1883 *People v. Hovey*, 29 Hun 390
- 1883 *People v. Schewe*, 29 Hun 124
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- 1881 *Sacia v. Decker*, 1 Civ. Pro. 47
- 1884 *People v. Burns*, 33 Hun 298

834. (2 R. S. 406, § 73)

- Edington v. Ætna L. I. Co.*, 67 N.Y. 185; *rev'g* 5 Hun 1
- 1880 *Pierson v. People*, 79 N.Y. 432*
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- 1877 *Mason v. Libbey*, 2 Abb. N. C. 137
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- 1879 *Pierson v. People*, 18 Hun 244
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- 1881 *Grattan v. Metrop. L. I. Co.*, N.Y., 24 Hun 43
- 1883 *Roberts v. L. Champlain R. R. Co.*, 29 Hun 158
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- 1883 *Whelpley v. Loder*, 1 Dem. 368
- 1882 *Sherman v. Scott*, 2 Civ. Pro. 366

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- 1880 *Baron v. Frisbie*, 80 N.Y. 397*
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- 1881 *Root v. Wright*, 84 N.Y. 72
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1879 *Pierson v. People*, 18 Hun 244
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1881 *Pearsall v. Elmer*, 5 Redf. 181
1877 *Mason v. Libbey*, 2 Abb. N. C. 137

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- 1882 *Yamato Trading Co. v. Brown*, 27 Hun 250; 63 How. 288
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1878 *Corbett v. De Comeau*, 44 Super. 312
1876 *Cohen v. Cont'l L. I. Co.*, 41 Super. 297
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- 1882 *Crouse v. Frothingham*, 27 Hun 123

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- 1880 *People ex rel. Mayor v. Nichols*, 79 N.Y. 585

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- 1884 *Harris v. Durkee*, 50 Super. 202; 5 Civ. Pro. 376
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845. (2 R. S. 407, § 82)

- 1881 *O'Reilly v. People*, 86 N.Y. 55*

851. (2 R. S. 407, § 90)

- 1880 *People ex rel. Mayor v. Nichols*, 79 N.Y. 585

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852. (R. S. 400, § 42) **Subpœnas.**

- 1879 *Tebo v. Baker*, 77 N.Y. 35*
- 1883 *People ex rel. Sherwin v. Mead*, 92 N.Y. 417
- 1877 *Riddle v. Cram*, 3 Abb. N. C. 117, note
- 1878 *Parsons v. Belden*, 9 Abb. N. C. 56
- 1883 *Brown v. Landon*, 4 Civ. Pro. 11

853. (2 R. S. 400, § 43)

- 1879 *Tebo v. Baker*, 77 N.Y. 35*
- 1883 *People ex rel. Sherwin v. Mead*, 92 N.Y. 417
- 1878 *Tebo v. Baker*, 16 Hun 184
- 1877 *Webster v. Stockwell*, 3 Abb. N. C. 116
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- 1882 *Carrington v. Hutson*, 28 Hun 373
- 1878 *McGuffin v. Dinsmore*, 4 Abb. N. C. 245
- People v. Dyckman*, 24 How. Pr. 222, 225
- 1876 *Smith v. McDonald*, 1 Abb. N. C. 350
- 1878 *Parsons v. Belden*, 9 Abb. N. C. 55

854. (2 R. S. 400, § 44)

- 1880 *People ex rel. Mayor v. Nichols*, 79 N.Y. 585
- 1884 *People ex rel. Keech v. Thompson*, 94 N.Y. 458
- 1877 *Riddle v. Cram*, 3 Abb. N. C. 117, note

856. (2 R. S. 400, § 47) **Punishing a Delinquent Witness.**

- 1880 *People ex rel. Mayor v. Nichols*, 79 N.Y. 585
- 1878 *Shelp v. Morrison*, 13 Hun 110

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- 1876 *Smith v. MacDonald*, 1 Abb. N. C. 350
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- 1880 *Brisbane v. Brisbane*, 20 Hun 49
- 1881 *Sweeney v. Sturgis*, 24 Hun 162
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- 1877 *Matter of Bryan*, 3 Abb. N. C. 289
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- 1884 *Duncan v. Jones*, 32 Hun 13
- 1881 *Russ v. Campbell*, 1 Civ. Pro. 41
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- 1880 *Kanter v. Brophy*, 1 Civ. Pro. 83, note
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- 1880 *Connells v. Roach*, 1 Civ. Pro. 87, note
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- 1880 *Gross v. Little*, 1 Civ. Pro. 103, note

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- 1876 *Tilton v. U. S. L. I. Co.*, 1 Abb. N. C. 348
- 1877 *Schepmoes v. Bousson*, 1 Abb. N. C. 382
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- 1881 *Sweeney v. Sturgis*, 24 Hun 167
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- 1882 *Kinney v. Roberts*, 26 Hun 172
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- 1883 *Town of Hancock v. 1st N. Bk.*, 93 N.Y. 86*
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- 1879 *Cornell v. Fryer*, 9 Abb. N. C. 52
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Leroy v. Matthewson, 47 Super. Ct. (J. & S.) 389
Dart v. Laimbeer, 47 Super Ct. (J. & S.) 490
- 1884 *Duncan v. Jones*, 32 Hun 13
- 1882 *Knowlton v. Bannigan*, 11 Abb. N. C. 419
- 1879 *Batterson v. Sanford*, 45 Super. 128
- 1883 *Gilbert v. 3d Ave. R. R. Co.*, 49 Super. 129
- 1877 *Burnett v. Snyder*, 41 Super. Ct. 343
Wetmore v. Hegeman, 3 Abb. N. C. 123
Martin v. Spofford, 3 Abb. N. C. 125
- 1881 *Russ v. Campbell*, 1 Civ. Pro. 41
Burbank v. Reed, 1 Civ. Pro. 42, note
Tenney v. Mautner, 1 Civ. Pro. 64
- 1879 *Corbitt v. Rice*, 1 Civ. Pro. 79, note
- 1881 *Shethar v. Babcock*, 1 Civ. Pro. 83, note
- 1880 *Kanter v. Brophy*, 1 Civ. Pro. 83, note

- 1881 *Williams v. W. U. Tel. Co.*, 1 Civ. Pro. 84, note
- 1877 *O'Conner v. U. S. L. I. Co.*, 1 Civ. Pro. 85, note
- 1879 *De Witt v. McDonald*, 1 Civ. Pro. 86, note
- 1880 *Cornell v. Roche*, 1 Civ. Pro. 87, note
- 1879 *Cornell v. Fryer*, 1 Civ. Pro. 88, note
- Williams v. Philips*, 1 Civ. Pro. 88, note
- 1880 *Gross v. Little*, 1 Civ. Pro. 103, note
- 1881 *Williams v. W. U. Tel. Co.*, 1 Civ. Pro. 294
- 1883 *Hardy v. Peters*, 30 Hun 79
- Briggs v. Taylor*, 4 Civ. Pro. 328
- 1884 *Lathrop v. Brown*, 5 Id. 101
- Cadmus v. Oakley*, 2 Dem. 298
- 1884 *Goldberg v. Roberts*, 67 How. 269
- 1881 *Beebe v. Richardson*, 2 McC. 319
- 1878 *Juillard v. Hamlin*, 2 McC. 321, note
- 1882 *Kirkland v. Moss*, 2 McC. 321, note
- 1883 *Gilbert v. Third Ave. R. R. Co.*, 49 Super. 129
- 1884 *Wayne Co. S. Bk v. Brackett*, 31 Hun 434

872, sub. 7 (2 R. S. 391, 398, § 33, new)

- 1878 *People v. Mutual G. L. Co.*, 74 N.Y. 435
- 1879 *Tebo v. Baker*, 77 N.Y. 34
- 1880 *Hale v. Rogers*, 22 Hun 19
- 1882 *Reichman v. Manhattan Co.*, 26 Hun 433
- 1884 *Wayne Co. S. Bk v. Brackett*, 31 Hun 436
- 1880 *Preston v. Hencken*, 9 Abb. N. C. 68
- Williams v. West. Un. Tel. Co.*, 47 Super. Ct. (J. & S.) 380
- 1882 *Knowlton v. Bannigan*, 11 Abb. N. C. 420.

873. (2 R. S. 391, §§ 3, 34)

- 1876 *Mason v. Libby*, 1 Abb. N. C. 354
- 1877 *Byrne v. Mulligan*, 41 Super. 515
- Elmore v. Hyde*, 2 Abb. N. C. 129
- Matter of Bryan*, 3 Abb. N. C. 290
- Beach v. Mayor*, 3 Abb. N. C. 113; reversed 1878, 4 Abl. N. C. 239; S. C., 14 Hun 80
- 1878 *Simonds v. Hudson*, 4 Abb. N. C. 247, note
- Ludewig v. Pariser*, 4 Abb. N. C. 251
- Hynes v. McDermott*, 7 Daly 513
- Parsons v. Belden*, 9 Abb. N. C. 56
- Levy v. Loeb*, 44 Super. 298

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- 1879 *Tebo v. Baker*, 77 N.Y. 34;* aff'g 16 Hun 182
Heishon v. Knickerbocker L. I. Co., 45 Super. 134;
 appealed, 77 N.Y. 279*
Hickey v. O'Conner, 45 Super. 614
- 1881 *Berdell v. Berdell*, 86 N.Y. 521* (struck out in 1884)
Loop v. Gould, 17 Hun 565
Harold v. N.Y. El'd R. R. Co., 21 Hun 268
- 1882 *Lachenmeyer v. Lachenmeyer*, 26 Hun 544
Borthwick v. Howe, 27 Hun 506
- 1877 *Webster v. Stockwell*, 3 Abb. N. C. 120
Riddle v. Cram, 3 Abb. N. C. 117, note*
Kirkland v. Moss, 11 Abb. N. C. 421
- 1883 *Andrews v. Prince*, 31 Hun 233
- 1884 *Wayne Co. S. Bk v. Brackett*, 31 Hun 436
- 1881 *Russ v. Campbell*, 1 Civ. Pro. 41
Burbank v. Reed, 1 Civ. Pro. 42
Tenney v. Mautner, 1 Civ. Pro. 64
- 1879 *Corbitt v. Rice*, 1 Civ. Pro. 79
- 1881 *Shethar v. Babcock*, 1 Civ. Pro. 83, note
- 1880 *Kanter v. Brophy*, 1 Civ. Pro. 83, note
- 1881 *Williams v. W. U. Tel. Co.*, 1 Civ. Pro. 84, note
- 1879 *De Witt v. McDonald*, 1 Civ. Pro. 86, note
- 1880 *Cornells v. Roach*, 1 Civ. Pro. 87, note
- 1879 *Cornell v. Fryer*, 1 Civ. Pro. 88, note
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- 1880 *Gross v. Little*, 1 Civ. Pro. 103, note
- 1884 *Lathrop v. Brown*, 5 Civ. Pro. 101

874. (2 R. S. 391, § 10)

- 1877 *Schepmoes v. Bousson*, 1 Abb. N. C. 483
Beach v. Mayor, 3 Abb. N. C. 113
- 1878 *Parsons v. Belden*, 9 Abb. N. C. 56
Beach v. Mayor, 14 Hun 80
Tebo v. Baker, 16 Hun 183; aff'd 1879, 77 N.Y. 34*
Loop v. Gould, 17 Hun 585
- 1879 *Heishon v. Knickerbocker L. I. Co.*, 45 Super. 34

875. (New)

- 1877 *Webster v. Stockwell*, 3 Abb. N. C. 115
Riddle v. Cram, 3 Abb. N. C. 117, note*

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- Thompson *v.* Sickles, 3 Abb. N. C. 121
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 Beach *v.* Mayor, 3 Abb. N. C. 113
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 Wetmore *v.* Hegeman, 3 Abb. N. C. 123
 Martin *v.* Spofford, 3 Abb. N. C. 125
 1878 Tebo *v.* Baker, 16 Hun 184; aff'd 1879, 77 N.Y. 35*
 Loop *v.* Gould, 17 Hun 185
 Matter of Paulmier, 5 Abb. N. C. 151
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 Chapin *v.* Thompson, 16 Hun 53
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 Levy *v.* Loeb, 5 Abb. N. C. 157
 Corbett *v.* De Comeau, 4 Abb. N. C. 252; reversed, 5 Abb.
 N. C. 169
 1882 Sharp *v.* Hutchinson, 48 Super. 102

876. (2 R. S. 392, § 5)

- 1877 Riddle *v.* Cram, 3 Abb. N. C. 117, note
 1878 Levy *v.* Loeb, 44 Super. 298
 1879 Heishon *v.* Knickerbocker, L. I. Co., 45 Super. 34; rev'd
 77 N.Y. 279*
 Hesse *v.* Briggs, 45 Super. 417
 Harold *v.* N.Y. El. R. R. Co., 21 Hun 268

877. (Stricken out in 1877)

- 1883 Van Roy *v.* Harriott, 30 Hun 77
 1883 Greisman *v.* Dreyfus, 4 Civ. Pro. 32

880. (Many Acts)

- 1877 Hewlett *v.* Wood, 67 N.Y. 394
 1878 Ludewig *v.* Pariser, 4 Abb. N. C. 251
 Foster *v.* Bullock, 12 Hun 200
 Parsons *v.* Belden, 9 Abb. N. C. 57
 Levy *v.* Loeb, 44 Super. 299
 1879 Heishon *v.* Knickerbocker L. I. Co., 77 N.Y. 279*
 1882 Yamato Trading Co. *v.* Brown, 27 Hun 250
 1883 Roberts *v.* Ogd'sb'gh & L. Champlain R. R. Co., 29 Hun 157
 Mayor, &c. *v.* Ehrlich, 33 Hun 2
 1879 Smith *v.* Routh, 1 Civ. Pro. 92, note

118 DEPOSITIONS WITHIN THE STATE.

- 1883 *Canada Stp. Co. v. Sinclair*, 3 Civ. Pro. 284
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- 1884 *Funk v. Tribune Ass.*, 4 Civ. Pro. 408

881. (Many Acts)

- 1877 *Hewlett v. Wood*, 67 N.Y. 394
Matter of Bryan, 3 Abb. N. C. 293
- 1878 *Levy v. Loeb*, 44 Super. 299
- 1881 *Bedell v. Bedell*, 86 N.Y. 522*
Rice v. Motley, 24 Hun 144
- 1884 *Murphy v. N.Y. C. & H. R. R. Co.*, 31 Hun 360
- 1883 *Macdonald v. Woodbury*, 3 Civ. Pro. 337
Fogg v. Fisk, 4 Civ. Pro. 344

882. (2 R. S. 392, §§ 7, 39)

- 1877 *Elverson v. Vanderpool*, 41 Super. 257
- 1881 *Rice v. Motley*, 24 Hun 144
- 1883 *Town of Hancock v. 1st N. Bk*, 93 N.Y. 86*

883. (2 R. S. 392, § 9 and § 40)

- 1881 *Rice v. Motley*, 24 Hun 144
Bennett v. Edwards, 27 Hun 352
- 1883 *Fogg v. Fisk*, 4 Civ. Pro. 344; 66 How. Pr. 343

885. (Co. Pro. 401, sub. 7)

- 1879 *Steuben Co. Bk v. Alberger*, 78 N.Y. 526
- 1877 *Mason v. Libbey*, 2 Abb. N. C. 140
- 1882 *Bennett v. Edwards*, 27 Hun 354
- 1876 *Burnett v. Snyder*, 41 Super. 342
- 1883 *Williams v. W. U. Tel. Co.*, 3 Civ. Pro. 448
- 1883 *Attorney-General v. Cont'l L. I. Co.*, 4 Civ. Pro. 214; 66
How. Pr. 51
- 1884 *Reynolds v. Parks*, 2 Dem. 399

886. (Co. Pro. 391)

- 1878 *Marsh v. Woolsey*, 14 Hun 2
- 1881 *Sweeney v. Sturgis*, 24 Hun 166

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- 1877 Pake v. Proal, 2 Abb. N. C. 418
- 1878 Levy v. Loeb, 44 Super. 301
Dunham v. Merc. Mut. I. Co., 44 Super. 388; 56 How. Pr. 240; 6 Abb. N. C. 70
- 1879 Skelton v. Smith, 1 Civ. Pro. 101, note
- 1883 Gustaf v. Am. Steamship Co., 31 Hun 96; 4 Civ. Pro. 243

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Depositions taken without the State.

- 1883 Clark v. Candee, 29 Hun 139
In re Attorney, 83 N.Y. 164*
- Champlin v. Stodart, 64 How. Pr. 378

887. (Many Acts) Depositions taken without the State.

- 1880 Matter of Attorney, 82 N.Y. 166*
- 1883 Clark v. Candee, 29 Hun 139
- 1880 Mellen v. Hutchins, 8 Abb. N. C. 228
- 1876 O'Brien v. Commercial F. I. Co., 41 Super. 224
Champlin v. Stodart, 64 How. Pr. 378
- 1878 Dunham v. Merc. Mut. I. Co., 56 How. Pr. 240; 6 Abb. N. C. 70; 44 Super. 387
- 1884 Estate of Ann Voorhees, 5 Civ. Pro. 444
Reynolds v. Parks, 2 Dem. 399
Cadmus v. Oakley, 2 Dem. 301, 302, 303

888. (L. 1862, ch. 375, § 1)

- 1880 Kemp v. Dickinson, 22 Hun 594
- 1883 Clark v. Candee, 27 Hun 139
Champlin v. Stodart, 64 How. Pr. 378

889. (Act 1862, ch. 375, and 2 R. S. 393, §§ 11, 12)

- 1879 Mason & Hamlin Organ Co. v. Pugsley, 19 Hun 282
- 1883 Clark v. Candee, 29 Hun 139
- 1884 Estate of Ann Voorhees, 5 Civ. Pro. 444
Champlin v. Stodart, 64 How. Pr. 378

120 DEPOSITIONS WITHOUT STATE.

890. (2 R. S. 393, § 13)

1879 *Mason & Hamlin Organ Co. v. Pugsley*, 19 Hun 282

891. (Many Acts)

1879 *Uline v. N.Y. C. & Hudson R. R. Co.*, 79 N.Y. 179*

1880 *Studwell v. Charter Oak Ins. Co.*, 19 Hun 127

892. (Many Acts)

1879 *Uline v. N.Y. C. & Hudson R. R. Co.*, 79 N.Y. 179*

893. (New)

1881 *Jennison v. Citizen's S. Bk.*, 85 N.Y. 549

Jennison v. Citizen's S. Bk., 24 Hun 350

1884 *Cadmus v. Oakley*, 2 Dem. 305

894. (New)

1881 *Jennison v. Citizen's S. Bk.*, 85 N.Y. 546; 24 Hun 350

1882 *Jones v. Hoyt*, 10 Abb. N. C. 324

Jones v. Hoyt, 48 Super. 119; 63 How. Pr. 94; 14 W. D.
113

895. (New)

1884 *Cadmus v. Oakley*, 2 Dem. 305

897. (New)

1876 *O'Brien v. Commercial F. I. Co.*, 41 Super. 224

900. (New)

1877 *Hewlett v. Wood*, 67 N.Y. 394

901. (2 R. S. 393, § 16, act of 1853, §§ 6, 7 and 8)

1880 *Kelley v. Weber*, 9 Abb. N. C. 64

1876 *O'Brien v. Commercial F. I. Co.*, 41 Super. 224

908. (2 R. S. 393, § 21)

1879 *Mason & Hamlin Organ Co. v. Pugsley*, 19 Hun 282

910. (Act 1853, § 14)

1877 *Hewlett v. Wood*, 67 N.Y. 394

1882 *Wright v. Cabot*, 89 N.Y. 577*

1878 *Butler v. Flanders*, 44 Super. Ct. (J. & S.) 531; 56 How. Pr. 312

1882 *Palmer v. Great Western Ins. Co.*, 47 Super. Ct. (J. & S.) 455

1883 *Denny v. Horton*, 3 Civ. Pro. 255

1884 *Hedges v. Williams*, 33 Hun 546

911. (Many Acts)

1876 *Marshall v. Watertown Steam Engine Co.*, 10 Hun 463

1879 *Uline v. N. Y. C. & Hudson R. R. Co.*, 79 N.Y. 177

1883 *Denny v. Horton*, 3 Civ. Pro. 255

913. (New) **Depositions for use elsewhere.**

1883 *Champlin v. Stodart*, 64 How. Pr. 378

914. (Many Acts)

1881 *Perry v. People*, 86 N.Y. 357;* 62 How. Pr. 148

915. (2 R. S. 397, §§ 30, 31)

1881 *Perry v. People*, 86 N.Y. 357; 62 How. Pr. 148

916. (2 R. S. 397, § 31)

1881 *Perry v. People*, 86 N.Y. 357; 62 How. Pr. 148

917. (2 R. S. 397, § 32)

1881 *Perry v. People*, 86 N.Y. 357; 62 How. Pr. 148

918. (L. 1831, ch. 191, § 1)

1881 *Perry v. People*, 86 N.Y. 357; 62 How. Pr. 148

919. (L. 1831, ch. 191, § 2)

1881 *Perry v. People*, 86 N.Y. 357; 62 How. Pr. 148

920. (L. 1851, ch. 191, § 3)

1881 *Perry v. People*, 86 N.Y. 357;* 62 How. Pr. 148

921. (Many Acts) Documentary Evidence.

1877 *Fisher v. Mayor*, 67 N.Y. 73; rev'g 6 Hun 64; 3 Id. 648

1881 *Briggs v. Waldron*, 83 N.Y. 585*

923. (L. 1833, ch. 271, § 8)

1884 *Kellam v. McKoon*, 31 Hun 520; 18 W. D. 443

927. (L. 1858, ch. 244, § 1)

1876 *Spaulding v. Lyon*, 2 Abb. N. C. 203

1882 *Madison University v. White*, 25 Hun 490

929. (New)

1882 *Derham v. Lee*, 87 N.Y. 605;* 47 Super. Ct. (J. & S.) 174;
60 How. Pr. 334

930. (New)

1882 *Derham v. Lee*, 87 N.Y. 605;* 47 Super. Ct. (J. & S.) 174;
60 How. Pr. 334

931. (New)

1882 *Derham v. Lee*, 87 N.Y. 605;* 47 Super. Ct. (J. & S.) 174;
60 How. Pr. 334

933 (New)

- 1882 *Swift v. State of New York*, 89 N.Y. 56
Swift v. State of New York, 26 Hun 511
 1879 *Leonard v. N.Y. C. & H. R. R. Co.*, 47 Super. 576
Fadner v. People, 19 W. D. 433

935. (1 R. S. 759, §§ 16, 17)

- 1882 *Hall v. Van Vranken*, 28 Hun 405
Putnam v. Stuart, 2 Civ. Pro. 172

941. (L. 1832, ch. 158, §§ 1, 2)

- 1876 *Porter v. Waring*, 2 Abb. N. C. 231
 1879 *Uline v. N.Y. C. & H. R. R. Co.*, 79 N.Y. 175

942. (Co. Pro. 426, &c.)

- 1878 *Sturges v. Vanderbilt*, 73 N.Y. 388
 1879 *Hynes v. McDermott*, 7 Abb. N. C. 98; appealed 1880, 82
 N.Y. 55*
First N. Bk. v. 4th N. Bk., 89 N.Y. 414
 1882 *Pringle v. Woolworth*, 90 N.Y. 506
 1884 *People v. D'Argencour*, 95 N.Y. 629*
 1877 *Cassidy v. Leitch*, 2 Abb. N. C. 321
 1882 *Kip v. McLean*, 2 McC. 166

952. (2 R. S. 396, § 26)

- 1882 *Pringle v. Woolworth*, 90 N.Y. 505
 1883 *Brown v. Langdon*, 30 Hun 59
Brown v. Landon, 4 Civ. Pro. 11

956. (L. 1875, ch. 136, §§ 1, 2, 8, 9)

- 1884 *People v. D'Argencour*, 95 N.Y. 629*

957. (2 R. S. 403, § 59) **Miscellaneous Provisions.**

- 1884 *People v. D'Argencour*, 95 N.Y. 629*
People ex rel. Crittenden v. Keenan, 31 Hun 627

958. (2 R. S. 403, § 59)

1884 *People v. D'Argencour*, 95 N.Y. 629*

962. (Many Acts)

1880 *Hynes v. McDermott*, 82 N.Y. 55*

CHAPTER X.

TRIALS, INCLUDING JURORS AND JURIES.

1880 *Dane v. Liverpool Ins. Co.*, 21 Hun 260

1878 *McGowan v. v. Newman*, 4 Abb. N. C. 857

TITLE I.

TRIALS GENERALLY, INCLUDING EXCEPTIONS AND MOTIONS FOR A NEW TRIAL.

ARTICLE I.

Issues and the modes of trial thereof.

1878 *McGowan v. Neuman*, 4 Abb. N. C. 85

1883 *Streat v. Rothschild*, 12 Abb. N. C. 387, note

McCleary v. McCleary, 30 Hun 155

963. (Co. Pro. 248) **Issues.**

1884 *Alley v. Nott*, 30 Alb. L. J. 154*

1883 *Edwards v. Woodruff*, 90 N.Y. 397

1879 *People ex rel. Mayor v. Nichols*, 18 Hun 536; 79 N.Y. 582

1878 *McGowan v. Newman*, 4 Abb. N. C. 85

1882 *Goldschmidt v. Goldschmidt*, 47 Super. Ct. (J. & S.) 184

964. (Co. Pro. 249, 250)

1884 *Alley v. Nott*, 30 Alb. L. J. 154*

1879 *People ex rel. Mayor v. Nichols*, 18 Hun 536; 79 N.Y. 582

1882 *Goldschmidt v. Goldschmidt*, 47 Super. Ct. (J. & S.) 184

- 1883 *Rutty v. Person*, 12 Abb. N. C. 356
 1879 *People ex rel. Cooper v. Spec. Term*, 57 How. Pr. 467

965. (Co. Pro. 252)

- 1876 *Bright v. Milwaukee, &c. R. R. Co.*, 1 Abb. N. C. 15
 1878 *McGowan v. Newman*, 4 Abb. N. C. 85; 54 How. Pr. 458
 1881 *Horton v. Shepherd*, 1 Civ. Pro. 26

967. (New in form.) **Mode of Trial.**

- 1879 *Hill v. Alvord*, 19 Hun 78
Butler v. Flanders, 56 How. Pr. 312; 44 Super. 531
 1882 *Post v. Moran*, 10 Daly 503

968. (Co. Pro. 253)

- 1878 *Wheelock v. Lee*, 5 Abb. N. C. 75; appealed 1878, 74 N. Y. 500*
 1879 *Graham v. Phoenix Ins. Co.*, 77 N.Y. 175
 1877 *Tooker v. Rinaldo*, 11 Hun 155
 1879 *Ranney v. Warren*, 17 Hun 113
 1883 *McCleary v. McCleary*, 30 Hun 155, note.
Cornell v. Cornell, 19 W. D. 184
 1884 *People v. Metropol'n Tel. Co.*, 31 Hun 600
 1880 *Walker v. Walker*, 8 Abb. N. C. 439
 1884 *Cornell v. Cornell*, 96 N.Y. 112*
 1883 *Streat v. Rothschild*, 12 Abb. N. C. 388
 1881 *Jones v. Emery*, 1 Civ. Pro. 338
 1884 *Wolf v. Lynch*, 2 Dem. 619
Fire Dep't of N. Y. v. Stuyvesant, 33 Hun 408

969. (Co. Pro. 253, 254)

- 1879 *Graham v. Phoenix Ins. Co.*, 77 N.Y. 175
 1877 *Tooker v. Rinaldo*, 11 Hun 155
Miaghan v. Hartford Fire Ins. Co., 12 Hun 323
 1879 *Ranney v. Warren*, 17 Hun 113
 1883 *Streat v. Rothschild*, 12 Abb. N. C. 388

970. (Co. Pro. 254)

- 1880 *Cook v. Jenkins*, 79 N.Y. 576
 1879 *Morrell v. Morrell*, 17 Hun 326

- 1880 Walker *v.* Walker, 8 Abb. N. C. 439
 1883 Ratty *v.* Person, 12 Abb. N. C. 352; *ib.* 389, note
 Streat *v.* Rothschild, 12 Abb. N. C. 383
 1880 Compton *v.* Compton, 46 Super. 579
 1882 Lorillard *v.* Clyde, 3 Civ. Pro. 307
 1884 Wolf *v.* Lynch, 2 Dem. 619
 Learned *v.* Tillotson, 6 Civ. Pro. 425

971. (Co. Pro. 254)

- 1880 Chapin *v.* Thompson, 80 N.Y. 276
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 1881 Madison University *v.* White, 25 Hun 491
 1883 Ratty *v.* Person, 12 Abb. N. C. 352
 1883 Streat *v.* Rothschild, 12 Abb. N. C. 383
 1882 Powell *v.* Waldron, 89 N.Y. 328
 1884 Carroll *v.* Deimel, 95 N.Y. 252
 Learned *v.* Tillotson, 6 Civ. Pro. 428

972. (Co. Pro. 254)

- 1880 Chapin *v.* Thompson, 80 N.Y. 276
 1882 Powell *v.* Waldron, 89 N.Y. 328
 1884 Carroll *v.* Deimel, 95 N.Y. 255*
 1883 McCleary *v.* McCleary, 30 Hun 155, note
 1884 People *v.* Metrop'n Tel'ne Co., 31 Hun 600
 Learned *v.* Tillotson, 6 Civ. Pro. 425*

974. (New)

- 1880 Cook *v.* Jenkins, 79 N.Y. 577*
 1882 Mowry *v.* Peet, 88 N.Y. 454
 1879 Brooklyn, &c. R. R. Co. *v.* Reid, 21 Hun 273
 1882 Post *v.* Moran, 10 Daly 503

976. (Co. Pro. 255)

- 1879 Jones *v.* People, 79 N.Y. 51*
 1884 Alley *v.* Nott, 30 Alb. L. J. 154*

977. (Co. Pro. 256)

- 1884 Alley *v.* Nott, 30 Alb. L. J. 154*
 1879 Nevins *v.* Baird, 19 Hun 307
 1881 Reilly *v.* Byrne, 1 Civ. Pro. 201

- 1884 *Haberstich v. Fischer*, 6 Civ. Pro. 82
 1884 *Matter of Carhart*, 2 Dem. 629

980. (Co. Pro. 258)

- 1881 *Bingham v. Bingham*, 1 Civ. Pro. 166
State Bk v. Gill, 23 Hun 406; 11 W. D. 343

982. (Co. Pro. 123) Place of Trial.

- 1877 *Home Ins. Co. v. P. R. R. Co.*, 11 Hun 182
 1877 *Van Wyck v. Baker*, 11 Hun 310
 1882 *Cragin v. Lovell*, 88 N.Y. 259; 2 Civ. Pro. 128
Mayor v. Coffin, 90 N.Y. 313
 1883 *Roche v. Marvin*, 92 N.Y. 399*
 1882 *Mayor v. Mayor*, 2 McC. 171
Fletcher v. Cooper, 59 How. Pr. 373
 1880 *Knickerbocker L. I. Co. v. Clark*, 22 Hun 507
Fliess v. Buckley, 22 Hun 551; see 90 N.Y. 286
 1879 *Gifford v. Town of Gravesend*, 8 Abb. N. C. 247
 1884 *Gorman v. South Boston Iron Co.*, 32 Hun 71
Acker v. Leland, 96 N.Y. 335*
 1881 *Thompson v. Attica Water Co.*, 1 Civ. Pro. 368
 1884 *Polley v. Wilkisson*, 5 Civ. Pro. 135
 1883 *Thompson v. Heydenreich*, 66 How. Pr. 391

983. (Co. Pro. 124)

- 1877 *Wiggin v. Phelps*, 10 Hun 187
 1877 *Wintjen v. Verges*, 10 Hun 576
 1880 *Veeder v. Baker*, 83 N.Y. 160*
 1884 *Gorman v. South Boston Iron Co.*, 32 Hun 71
Ackerman v. Delude, 29 Hun 137
 1881 *Thompson v. Attica Water Co.*, 1 Civ. Pro. 368
 1884 *Polley v. Wilkisson*, 5 Civ. Pro. 135
 1882 *Cragin v. Lovell*, 88 N.Y. 259; 2 Civ. Pro. 128

984. (Co. Pro. 125)

- 1883 *Lyon v. Lyon*, 30 Hun 456
 1884 *Gorman v. South Boston Iron Co.*, 32 Hun 72

- 1882 *Duche v. Buffalo Grape Sugar Co.*, 11 Abb. N. C. 233; 2
Civ. Pro. 268
1881 *Thompson v. Attica Water Co.*, 1 Civ. Pro. 368
1883 *Smith v. Danzig*, 3 Civ. Pro. 127

985. (Co. Pro. 126)

- 1880 *Veeder v. Baker*, 83 N.Y. 161*
1882 *Duche v. Buffalo Grape Sugar Co.*, 11 Abb. N. C. 234; 2
Civ. Pro. 268; 63 How. Pr. 516
1884 *Kimball v. Mapes*, 19 W. D. 481

986. (Co. Pro. 126)

- 1880 *Veeder v. Baker*, 83 N.Y. 161*
1879 *Van Dyck v. McQuade*, 18 Hun 376
Gifford v. Town of Gravesend, 8 Abb. N. C. 246
1882 *Duche v. Buffalo Grape Sugar Co.*, 11 Abb. N. C. 234; 2
Civ. Pro. 268
1883 *Thompson v. Heydenreich*, 66 How. Pr. 391
1878 *Clark v. Campbell*, 54 How. Pr. 166
1884 *Kimball v. Mapes*, 19 W. D. 481

987. (Co. Pro. 126)

- 1880 *Veeder v. Baker*, 83 N.Y. 161*
1882 *Mayor v. Coffin*, 90 N.Y. 313
1877 *Wiggins v. Phelps*, 10 Hun 187
1878 *Macdonald v. Macdonald*, 14 Hun 497
1884 *Gorman v. South Boston Iron Co.*, 22 Hun 72
Acker v. Leland, 96 N.Y. 385*
1881 *Thompson v. Attica Water Co.*, 1 Civ. Pro. 368
1878 *Clark v. Campbell*, 54 How. Pr. 166

988. (Co. Pro. 126)

- 1880 *Abrahams v. Berrien*, 22 Hun 605; 60 How. Pr. 208

ARTICLE III.

Exceptions, case, and motion for a new trial.

- 1881 Douglas v. Haberstro, 10 Abb. N. C. 8
 1884 Waldo v. Waldo, 32 Hun 252

992. (New) Exceptions.

- 1878 Vanderlip v. Keyser, 68 N.Y. 443
 1882 Ward v. Craig, 87 N.Y. 555
 1878 Kilmer v. O'Brien, 13 Hun 226
 1883 Reese v. Boese, 92 N.Y. 632
 1880 Schroeder v. Schroeder, 23 Hun 231
 1883 Mead v. Smith, 28 Hun 639; 3 Civ. Pro. 171
 Mandeville v. Marvin, 30 Hun 288
 Ross v. Ross, 31 Hun 146
 1881 Lawson v. Jones, 1 Civ. Pro. 247
 1883 Hepburn v. Montgomery, 5 Civ. Pro. 244

993. (New)

- 1881 Gormerly v. McGlynn, 84 N.Y. 285*
 James v. Cowing, 92 N.Y. 449
 1882 Ward v. Craig, 87 N.Y. 555
 1883 Leonard v. Mulry, 93 N.Y. 394
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 1878 Kilmer v. O'Brien, 13 Hun 226
 1883 Mead v. Smith, 28 Hun 639; 3 Civ. Pro. 171
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 1879 Hathaway v. Russell, 7 Abb. N. C. 146; 45 Super. 538
 1878 Tyng v. Marsh, 43 Super. 568
 1883 Hepburn v. Montgomery, 5 Civ. Pro. 244
 1884 Goettling v. Biehler, 6 Civ. Pro. 324

994. (Co. Pro. 268)

- 1880 French v. Powers, 80 N.Y. 149; 58 How. Pr. 389
 1881 Gormerly v. McGlynn, 84 N.Y. 286*

- 1883 *Leonard v. Mulry*, 93 N.Y. 394
 1880 *Schroeter v. Schroeter*, 23 Hun 231
 Young v. Cuddy, 23 Hun 250
 1881 *Aylesworth v. St. John*, 25 Hun 158
 1883 *Mead v. Smith*, 28 Hun 639
 Mandeville v. Marvin, 30 Hun 288
 Ross v. Ross, 31 Hun 146
 Goldschmidt v. Goldschmidt, 47 Super. 184
 1884 *Morgan v. Binghamton*, 32 Hun 602
 Matter of Potter, 32 Hun 602

995. (Many Acts)

- 1878 *Henderson v. Fullerton*, 54 How. Pr. 422
 1880 *French v. Powers*, 80 N.Y. 148
 1878 *Kilmer v. O'Brien*, 13 Hun 226
 1883 *Mead v. Smith*, 28 Hun 639
 1879 *De Leon v. Echeverria*, 45 Super. Ct. (J. & S.) 240
 1884 *Morgan v. Binghamton*, 32 Hun 602
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996. (New)

- 1878 *Henderson v. Fullerton*, 54 How. Pr. 422
 1880 *French v. Powers*, 80 N.Y. 148
 1878 *Kilmer v. O'Brien*, 13 Hun 226
 1883 *Mead v. Smith*, 28 Hun 639
 1884 *Morgan v. Binghamton*, 32 Hun 602
 Matter of Potter, 32 Hun 602

997. (Co. Pro. 264, 268)

- 1877 *Tyng v. Marsh*, 42 Super. 235
 1880 *French v. Powers*, 80 N.Y. 150;* 58 How. Pr. 389
 Schwinger v. Raymond, 83 N.Y. 200*
 1883 *Estate of Weston*, 91 N.Y. 506
 Reese v. Boese, 92 N.Y. 632*
 1880 *Argall v. Jacobs*, 21 Hun 114
 Schroeter v. Schroeter, 23 Hun 231
 Young v. Cuddy, 23 Hun 250
 1877 *McLean v. Cole*, 13 Hun 300
 1878 *Canzi v. Conner*, 4 Abb. N. C. 148

- 1883 *Ross v. Ross*, 31 Hun 146
- 1884 *Matter of Potter*, 32 Hun 602
- 1884 *Harris v. Van Wart*, 96 N.Y. 643*
- 1882 *Ingersoll v. Smith*, 48 Super. 523; 62 How. Pr. 474
- 1884 *Application of N. Y., W. Shore & Buff. R. R. Co.*, 6 Civ. Pro. 302
- 1884 *Morgan v. Binghamton*, 32 Hun 602
- Matter of Potter*, 32 Hun 602
- 1883 *Leonard v. Mulry*, 93 N.Y. 392
- Raynor v. Raynor*, 94 N.Y. 248
- 1880 *Thayer M'fg Jewelry Co. v. Steinau*, 58 How. Pr. 315

998. (New) Cases.

- 1881 *Alyesworth v. St. John*, 25 Hun 158
- Goldschmidt v. Goldschmidt*, 47 Super. Ct. (J. & S.) 184
- 1884 *Matter of Jackson*, 32 Hun 201; 19 W. D. 270
- 1880 *French v. Powers*, 58 How. Pr. 389; 80 N.Y. 146
- Thayer M'fg Jewelry Co. v. Steinau*, 58 How. Pr. 315
- Woolley v. Stevens*, 17 W. D. 382

999. (Co. Pro. 264) New Trials

- 1876 *Wavle v. Wavle*, 9 Hun 125
- 1882 *Schwab v. Elias*, 2 Civ. Pro. 340
- 1883 *Pollock v. Wannanaker*, 65 How. Pr. 508
- Herring v. Metzger*, 62 How. Pr. 355
- 1877 *Shearman v. Henderson*, 12 Hun 170
- 1878 *Cherey v. N. Y. C. & H. R. R. Co.*, 16 Hun 419
- 1879 *Van Doren v. Horton*, 19 Hun 8
- 1880 *Tate v. McCormick*, 23 Hun 220
- Seely v. N. Y. C. & H. R. R. Co.*, 25 Hun 282
- 1877 *Duden v. Waitzfelder*, 2 Abb. N. C. 295
- 1882 *Kelly v. Frazier*, 27 Hun 315; 2 Civ. Pro. 322
- 1878 *Naugatuck Cutlery Co. v. Rowe*, 5 Abb. N. C. 142
- Robson v. N. Y. Central, &c. R. R. Co.*, 21 Hun 387
- Standard Oil Co. v. Amazon Ins. Co.*, 79 N.Y. 506
- Clark v. Mechanic's N. Bk.*, 8 Daly 481
- 1880 *Somer v. Mangam*, 46 Super. 367
- Brooks v. Moore*, 67 Barb. 393
- 1881 *Dusenbury v. Dusenbury*, 1 Civ. Pro. 201
- Argall v. Jacobs*, 56 How. Pr. 167; 21 Hun 116
- 1883 *Gescheidt v. Quick*, 5 Civ. Pro. 38

- 1876 *Knapp v. Post*, 10 Hun 35
Thayer M'fg Jewelry Co. v. Steinau, 58 How. Pr. 315
 1877 *De Lavalette v. Wendt*, 11 Hun 432
De Luce v. Kelly, 5 W. D. 32
 1884 *Emmerick v. Hefferan*, 33 Hun 55

1000. (Co. Pro. 265)

- 1879 *Webster v. Cole*, 17 Hun 508
 1881 *Seely v. N. Y. C. & H. R. R. Co.*, 25 Hun 281
 1883 *Johnson v. N. Y. Ontario & Wis. R. R. Co.*, 30 Hun 166
 1878 *Durant v. Abendroth*, 69 N.Y. 148
 1881 *Douglas v. Haberstro*, 10 Abb. N. C. 6; 62 How. Pr. 29
 1877 *Ross v. Harden*, 42 Super. 427
 1880 *Somer v. Mangam*, 46 Super. 367
Westervelt v. Westervelt, 46 Super. 302

1001. (Co. Pro. 268)

- 1877 *Bennett v. Austin*, 10 Hun 451
 1878 *Kilmer v. O'Brien*, 13 Hun 226
Roe v. Roe, 14 Hun 614
 1879 *Hood v. Hood*, 19 Hun 300
 1880 *Cook v. Darrow*, 22 Hun 306
Ross v. Boardman, 22 Hun 528
 1881 *Hood v. Hood*, 85 N.Y. 568*
Walker v. Spencer, 86 N.Y. 163*
Carr v. Thompson, 87 N.Y. 166*
 1883 *Raynor v. Raynor*, 94 N.Y. 251*
 1876 *Produce Bk v. Morton*, 1 Abb. N. C. 176
 1879 *Hathaway v. Russel*, 7 Abb. N. C. 146; 45 Super. 538
 1877 *Produce Bk v. Morton*, 40 Super. 328; overruled 67 N.Y.
 199; 42 Super. 472

1002. (Code 265)

- 1880 *Thayer M'fg Jewelry Co. v. Steinau*, 58 How. Pr. 315
 1878 *Kilmer v. O'Brien*, 13 Hun 226
 1880 *Argall v. Jacobs*, 21 Hun 116
Cook v. Darrow, 22 Hun 306
 1880 *Schwinger v. Raymond*, 83 N.Y. 194
 1881 *Carr v. Thompson*, 87 N.Y. 166*
 1883 *Raynor v. Raynor*, 94 N.Y. 251*

- Schroeter *v.* Schroeter, 23 Hun 231
 Sims *v.* Sims, 12 Hun 231
 1879 Hathaway *v.* Russell, 7 Abb. N. C. 146; 45 Super. 538
 1883 People *v.* N. Trust Co., 31 Hun 26
 Tunstall *v.* Winton, 31 Hun 223
 Newhall *v.* Appleton, 46 Super. Ct. (J. & S.) 6

1003. (New)

- 1878 Dixon *v.* Rice, 16 Hun 424
 Henderson *v.* Fullerton, 54 How. Pr. 422
 1879 Chapin *v.* Thompson, 18 Hun 446; reversed, 1880, 80 N.Y.
 277;* 58 How. Pr. 46
 1882 Smith *v.* Lapham, 87 N.Y. 632*
 1883 Raynor *v.* Raynor, 94 N.Y. 251*
 1882 Post *v.* Mason, 26 Hun 187; 91 N.Y. 549*
 1884 Cronkhite *v.* Cronkhite, 94 N.Y. 326
 Carrol *v.* Deimel, 95 N.Y. 255*
 Holcomb *v.* Holcomb, 95 N.Y. 319
 1880 Hensler *v.* Sefrin, 19 Hun 568
 Holcomb *v.* Holcomb, 20 Hun 161
 Schoonmaker *v.* Wolford, 20 Hun 169
 Rhodes *v.* Brandt, 21 Hun 4
 1881 Chapin *v.* Thompson, 23 Hun 15
 Stuckey *v.* Mather, 24 Hun 433
 1884 Learned *v.* Tillotson, 6 Civ. Pro. 425
 1880 Westervelt *v.* Westerveit, 26 Super. 301
 1882 Machin *v.* Lamar Ins. Co., 2 Civ. Pro. 28

1004. (New)

- 1883 Raynor *v.* Raynor, 94 N.Y. 251*

1005. (L. 1832, ch. 128, § 14)

- 1879 O'Gara *v.* Kearney, 77 N.Y. 425;* 57 How. Pr. 439
 Chapin *v.* Thompson, 18 Hun 446; reversed, 1880, 80
 N.Y. 277*
 1882 Martin *v.* Rector, 11 Abb. N. C. 366
 Douglas *v.* Haberstro, 62 How. 29; 10 Abb. N. C. 6

1007. (New)

- 1882 Horrocks *v.* Thompson, 27 Hun 145
 1880 May *v.* Strauss, 8 Abb. N. C. 276

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. TRIALS WITHOUT A JURY.

- 1880 Dane *v.* Liverpool, &c. Ins. Co., 21 Hun 260
 1883 McCleary *v.* McCleary, 30 Hun 155
 1878 McGowan *v.* Newman, 4 Abb. N. C. 85

1008. (Co. Pro. 253, 254, 256)

- 1878 Exchange Fire Ins. Co. *v.* Early, 4 Abb. N. C. 79
 Wheelock *v.* Lee, 5 Abb. N. C. 72
 Thompson *v.* Finn, 9 Daly 379
 1882 Horrocks *v.* Thompson, 27 Hun 144

1009. (Co. Pro. 266)

- 1878 Baird *v.* Mayor, 74 N.Y. 385*
 Wheelock *v.* Lee, 74 N.Y. 500;* 5 Abb. N. C. 72
 1879 Morrell *v.* Morrell, 17 Hun 325
 1883 Kenney *v.* Apgar, 93 N.Y. 550*
 1881 Hubbard *v.* Gilbert, 25 Hun 598
 Thompson *v.* Finn, 9 Daly 379
 Fairchild *v.* Lynch, 42 Super. Ct. 265
 Batzel *v.* Batzel, 42 Super. 561; 93 N.Y. 547

1010. (Co. Pro. 267)

- 1876 Toner *v.* Mayor, 1 Abb. N. C. 302
 1879 Stafford *v.* Ambs, 8 Abb. N. C. 238
 Eaton *v.* Wells, 82 N.Y. 576
 Weyman *v.* Broadway Bank, 59 How. Pr. 331
 Adams *v.* Nellis, 59 How. Pr. 385

1011. (Co. Pro. 270, 273) References.

- 1876 *Preston v. Morrow*, 66 N.Y. 452
- 1877 *Tooker v. Rinaldo*, 11 Hun 155
- 1879 *Elliott v. Lewis*, 16 Hun 581
- Bell v. Vernooy*, 18 Hun 127
- 1880 *Catlin v. Adirondack Co.*, 81 N.Y. 381
- 1883 *Leonard v. Mulry*, 93 N.Y. 394
- 1880 *Schroeter v. Schroeter*, 23 Hun 231
- 1881 *May v. Moore*, 24 Hun 352
- 1883 *McCleary v. McCleary*, 30 Hun 155, 157
- 1878 *Exchange Fire Ins. Co. v. Early*, 4 Abb. N. C. 79
- McGowan v. Newman*, 4 Abb. N. C. 85
- Chittenango Cotton Co. v. Stewart*, 67 Barb. 423

1012. (Co. Pro. 273)

- 1879 *Conger v. Conger*, 77 N.Y. 434*
- 1880 *Schroeter v. Schroeter*, 23 Hun 231
- 1881 *May v. Moore*, 24 Hun 352
- 1883 *McCleary v. McCleary*, 30 Hun 155, 157
- 1878 *McGowan v. Newman*, 4 Abb. N. C. 86

1013. (Co. Pro. 271) References and Trials by Court.

- 1876 *McDonnell v. Stevens*, 9 Hun 29
- Conklin v. Taylor*, 68 N.Y. 221
- 1877 *Tooker v. Rinaldo*, 11 Hun 155
- 1878 *Wickham v. Frazee*, 13 Hun 434
- Barnes v. West*, 16 Hun 70
- Baird v. Mayor*, 74 N.Y. 385*
- 1881 *Camp v. Ingersoll*, 86 N.Y. 435; * 1 Civ. Pro. 340
- 1880 *Dane v. Liverpool, &c. Ins. Co.*, 21 Hun 259
- 1877 *Wood v. Hope*, 2 Abb. N. C. 187
- 1878 *Exchange Fire Ins. Co. v. Early*, 4 Abb. N. C. 80
- 1883 *O'Reilly v. City of Kingston*, 30 Hun 508
- Read v. Lozin*, 31 Hun 287
- Thompson v. Finn*, 9 Daly, 379
- 1883 *Streat v. Rothschild*, 12 Abb. N. C. 386; *Ib.* 389, note
- 1877 *Blackstone N. Bk v. Bogart*, 41 Super. 292
- Sullivan v. Sullivan*, 41 Super. 519
- 1883 *Rutty v. Person*, 12 Abb. N. C. 358
- 1881 *Reilly v. Byrne*, 1 Civ. Pro. 201
- 1883 *Hull v. Allen*, 4 Civ. Pro. 300

- Stebbins *v.* Cowles, 4 Civ. Pro. 302
 1884 Adams *v.* City of Utica, 6 Civ. Pro. 294
 1877 Martin *v.* Windsor Hotel Co., 10 Hun 304
 1880 Thompson *v.* Finn, 9 Daly 379
 1881 People *ex rel.* Parmenter *v.* Wadsworth, 61 How. Pr. 57
 1881 Cassidy *v.* Wallace, 61 How. Pr. 240

1014. (Co. Pro. 272, &c.)

- 1877 Conklin *v.* Taylor, 68 N.Y. 221

1015. (Co. Pro. 271)

- 1877 Tooker *v.* Rinaldo, 11 Hun 155
 Conklin *v.* Taylor, 68 N.Y. 221
 1878 Spelman *v.* Terry, 74 N.Y. 448
 1879 Gillett *v.* Staples, 16 Hun 588
 O'Gara *v.* Kearney, 57 How. Pr. 439; 77 N.Y. 425*
 1881 Camp *v.* Ingersoll, 86 N.Y. 437; * 1 Civ. Pro. 340
 1883 Attorney General *v.* N. A. L. I. Co., 91 N.Y. 58
 1878 McGowan *v.* Newman, 4 Abb. N. C. 85
 Exchange Fire Ins. Co. *v.* Early, 4 Abb. N. C. 78
 1882 Jones *v.* Easton, 11 Abb. N. C. 114
 1883 12 Abb. N. C. 390, note.
 1876 Burnett *v.* Snyder, 41 Super. 342
 1877 Tammien *v.* Clause, 67 Barb. 423
 1883 Ratty *v.* Person, 12 Abb. N. C. 358
 1883 Streat *v.* Rothschild, 12 Abb. N. C. 386; Ib. 389, note.

1016. (2 R. S. 384, § 44)

- 1883 Leonard *v.* Mulry, 93 N.Y. 394
 1880 Schroeter *v.* Schroeter, 23 Hun 231
 1878 Exchange Fire Ins. Co. *v.* Early, 4 Abb. N. C. 79; 54 How.
 Pr. 279
 McGowan *v.* Newman, 4 Abb. N. C. 85; 54 How. Pr. 458
 Browning *v.* Marvin, 5 Abb. N. C. 285
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 How. Pr. 172
 1883 Vilmar's Accounting, 10 Daly 15

1017. (2 R. S. 384, § 45)

- 1880 Schroeter *v.* Schroeter, 23 Hun 230

* 1018. (Co. Pro. 272)

- 1877 *Morgan v. Skidmore*, 3 Abb. N. C. 96
 1878 *Smith v. Rathbun*, 13 Hun 50; appealed, 1878, 75 N.Y. 126*
 1879 *Quimby v. Claffin*, 77 N.Y. 271*
 Chapin v. Dobson, 78 N.Y. 78*
 1881 *Peyser v. Wendt*, 87 N.Y. 325*
 1880 *Schroeter v. Schroeter*, 23 Hun 231
 1882 *Kuapp v. Fowler*, 26 Hun 201
 Horrocks v. Thompson, 27 Hun 145
 1883 *Knapp v. Fowler*, 30 Hun 515
 N.Y. El'd R. R. Co. v. McDaniel, 31 Hun 310
 1884 *Naylor v. Naylor*, 32 Hun 228
 1877 *Chittanooga Cotton Co. v. Stewart*, 67 Barb. 423
 Dow v. Darragh, 42 Super. 80
 1883 *N.Y. El. R. R. Co. v. Phila. Arch. Iron Co.*, 18 W. D. 325

1019. (Co. Pro. 273)

- 1877 *Ballou v. Parsons*, 67 Barb. 19
 1878 *Waters v. Shepherd*, 14 Hun 223
 1880 *Phipps v. Carman*, 23 Hun 150; affirmed, 1881, 84 N.Y. 650
 1881 *Cornelius v. Barton*, 12 N. Y. W. D. 216
 1880 *Geib v. Topping*, 83 N.Y. 46*
 1883 *Thornton v. Thornton*, 66 How. Pr. 119
 1884 *Little v. Lynch*, 5 Civ. Pro. 216; reversed 6 Id. 418
 1879 *Parker v. Baxter*, 19 Hun 418
 1883 *McCleary v. McCleary*, 30 Hun 156, note
 1878 *Quackenbush v. Johnson*, 55 How. Pr. 94
 1882 *Barne v. Neuss*, 2 Civ. Pro. 185

1021. (New)

- 1882 *Smith v. Rathbun*, 88 N.Y. 665*
 1880 *Liegeois v. McCracken*, 22 Hun 70
 1883 *McCleary v. McCleary*, 30 Hun 156, note
 Thompson v. Schieffelin, 4 Civ. Pro. 270; 66 How. Pr. 235

1022. (Co. Pro. 267, 272)

- 1879 *Dolan v. Merritt*, 18 Hun 28
 1882 *Smith v. Rathbun*, 88 N.Y. 665*

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- 1884 *Myers v. Becker*, 95 N.Y. 488
- 1880 *Schroeter v. Schroeter*, 23 Hun 231
- 1882 *Horrocks v. Thompson*, 27 Hun 145
- 1877 *Morgan v. Skidmore*, 3 Abb. N. C. 96
- 1883 *McCleary v. McCleary*, 30 Hun 156, note
- Hathaway v. Russell*, 46 Super. 103
- 1878 *Offinger v. De Wolf*, 43 Super. 149
- 1877 *Barker v. Burton*, 67 Barb. 458
- Argall v. Jacobs*, 56 How. Pr. 167
- Weyman v. N. B'y Bk*, 59 How. Pr. 331
- Adams v. Nellis*, 59 How. Pr. 385
- 1884 *Drury v. Wigg*, 19 W. D. 417

1023. (New)

- 1881 *Gormerly v. McGlynn*, 84 N.Y. 285*
- 1882 *Ward v. Craig*, 87 N.Y. 557*
- 1884 *Bennett v. Bates*, 94 N.Y. 361
- 1880 *Palmer v. Phoenix Ins. Co.*, 22 Hun 224
- 1880 *Schroeter v. Schroeter*, 23 Hun 231
- 1881 *Budlong v. Lewis*, 25 Hun 310
- 1882 *Farley v. Carpenter*, 27 Hun 360
- 1879 *Sniffin v. Koechling*, 45 Super. Ct. (J. & S.) 61
- Hartwell v. McMaster*, 4 Redf. 389
- 1884 *Harris v. Van Wart*, 96 N.Y. 643*
- 1882 *Barne v. Neuss*, 2 Civ. Pro. 185
- 1883 *Dickel v. Yates*, 2 Dem. 229
- 1884 *Goetting v. Biehler*, 6 Civ. Pro. 324; 33 Hun 500
- Berdell v. Berdell*, 33 Hun 536

1024. (Co. Pro. 273)

- 1883 *Leonard v. Mulry*, 93 N.Y. 394

1027. (2 R. S. 411, § 13) Qualifications of Jurors.

- 1883 *People v. Petrea*, 92 N.Y. 140;* 30 Hun 98; 64 How. Pr. 139; 65 How. Pr. 59

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Mode of selecting, drawing, and procuring the attendance of trial jurors, in ordinary cases.

1882 *People v. Petrea*, 30 Hun 119

1036. (2 R. S. 411, § 13) **Selecting Jurors.**

1883 *People v. Petrea*, 92 N.Y. 140 ;* 30 Hun 98 ; 64 How. Pr. 139 ; 65 How. Pr. 59

1038. (2 R. S. 412, § 16)

1880 *Pierson v. People*, 79 N.Y. 427*

1882 *People v. Petrea*, 30 Hun 134 ; 92 N.Y. 128 ; 64 How. Pr. 139 ; 65 How. Pr. 59

1039. (2 R. S. 412, §§ 20, 40)

1883 *Dickinson v. Mayor, &c.*, 92 N.Y. 584

1041. (2 R. S. 412, § 23)

1883 *People v. Petrea*, 92 N.Y. 136 ;* 30 Hun 98 ; 64 How. Pr. 139 ; 65 Id. 59

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1042. (2 R. S. 412, § 24)

1883 *People v. Petrea*, 30 Hun 104 ; 92 N.Y. 128 ; 64 How. Pr. 139 ; 65 Id. 59

1043. (2 R. S. 411, § 25)

1882 *People v. Petrea*, 30 Hun 103 ; 92 N.Y. 128 ; 64 How. Pr. 139 ; 65 Id. 59

1048. (2 R. S. 411, § 30)

1882 *People v. Petrea*, 30 Hun 103

1050. (2 R. S. 411, § 36) **Drawing and procuring Jurors.**

1879 *Pierson v. People*, 18 Hun 241 ; affirmed, 1880, 79 N.Y. 427*

1051. (2 R. S. 411, § 39)

1879 *Pierson v. People*, 18 Hun 242 ; affirmed, 1880, 79 N.Y. 431*

1052. (L. 1861, ch. 210, § 1)

1880 *Pierson v. People*, 79 N.Y. 427*

1056. (Many Acts)

1879 *Jones v. People*, 79 N.Y. 47

1058. (L. 1871, ch. 16, § 1)

1879 *Pierson v. People*, 18 Hun 241

1059. (L. 1871, ch. 16, § 1)

1879 *Pierson v. People*, 18 Hun 241 ; affirmed, 79 N.Y. 424

1067. (2 R. S. 418, § 50).

1879 *People ex rel. Kirtland v. Dillon*, 17 Hun 1

1069. (2 R. S. 418, § 52).

1883 *Kelly v. Sheehy*, 49 Super. 518

1176. (L. 1847, ch. 134, § 1)

1878 *Greenfield v. People*, 74 N.Y. 277; 6 Abb. N. C. 1

1180. (L. 1873, ch. 427, § 1)

1883 *Mead v. Smith*, 28 Hun 639

1185. (Co. Pro. 265)

1876 *Byrnes v. City of Cohoes*, 67 N.Y. 204; aff'g 5 Hun 602

1878 *Hall v. Hall*, 13 Hun 309

1879 *Fire Department v. Thomson*, 16 Hun 474

1877 *Durant v. Abendroth*, 69 N.Y. 148

1883 *Johnson v. N. Y., Ontario & Wes. R. R. Co.*, 30 Hun 167

1880 *Westervelt v. Westervelt*, 46 Super. 302

1186. (Co. Pro. 260)

1877 *Sparrowhawk v. Sparrowhawk*, 11 Hun 530

1880 *Lawrence v. Ætna Ins. Co.*, 21 Hun 412

1878 *Casey v. Dwyre*, 15 Hun 153

1187. (Co. Pro. 261)

1879 *Ranney v. Warren*, 17 Hun 113

1880 *Ebersole v. Northern C. R. R. Co.*, 23 Hun 117

1882 *People v. Metrop'n, &c. Telephone Co.*, 11 Abb. N. C. 321

1188. (Co. Pro. 262)

1882 *Dempsey v. Mayor*, 10 Daly 418

1189. (Co. Pro. 264)

1878 *Hall v. Hall*, 13 Hun 309

Cowles v. Watson, 14 Hun 46

Lawrence v. Ætna Ins. Co., 21 Hun 412

Ranney v. Warren, 17 Hun 111

1880 *Ebersole v. Northern C. R. R. Co.*, 23 Hun 117

1882 *Martin v. Rector*, 11 Abb. N. C. 364; 2 Civ. Pro. 134

CHAPTER XI.

JUDGMENTS.

1878 *McGowan v. Newman*, 4 Abb. N. C. 84

1200. (Co. Pro. 245) Judgments; General Provisions.

- 1877 *Bucking v. Hauselt*, 9 Hun 635
- 1878 *Miller v. Sheldon*, 15 Hun 221
- 1879 *Cambridge Valley N. Bk v. Lynch*, 76 N.Y. 516*
Matter City of Buffalo, 78 N.Y. 370*
- 1880 *Knapp v. Roche*, 82 N.Y. 367
Elwood v. Roof, 82 N.Y. 429
- 1881 *Gardiner v. Gardiner*, 87 N.Y. 16*
- 1884 *Myers v. Becker*, 95 N.Y. 488
- 1880 *Liegeois v. McCracken*, 22 Hun 70
People ex rel. Fries v. Riley, 25 Hun 589
- 1883 *Myers v. Becker*, 29 Hun 573
Springsteene v. Gillett, 30 Hun 263
- 1880 *Jex v. Jacob*, 7 Abb. N. C. 461
- 1881 *Valentine v. Central N. Bk*, 10 Abb. N. C. 191
- 1877 *Produce Bk of N. Y. v. Morton*, 42 Super. 472
- 1882 *Gates v. Canfield*, 2 McC. 256

1201. (Expunged)

- 1879 *Lacustrine F. Co. v. Lake Guano, &c. Co.*, 16 Hun 485;
56 How. Pr. 370

1203. (Co. Pro. 278)

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1204. (Co. Pro. 274)

- 1877 *Bowery Nat. Bk v. Duncan*, 12 Hun 411
- 1878 *Doctor v. Smith*, 16 Hun 247
- 1879 *Ely v. Clute*, 19 Hun 37

- 1881 *Albany Sav. Inst. v. Burdick*, 87 N.Y. 45*
- 1882 *Derham v. Lee*, 87 N.Y. 604
- 1883 *Wetmore v. Porter*, 92 N.Y. 78
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- 1882 *Lansing v. Hadsall*, 26 Hun 621
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- 1884 *Clegg v. Cramer*, 32 Hun 163
- 1883 *Luce v. Alexander*, 49 Super. 204; 4 Civ. Pro. 428
- 1883 *Clegg v. Cramer*, 66 How. Pr. 411
- 1880 *Clegg v. Am. Newsp. Union*, 60 How. Pr. 498

1205. (Co. Pro. 274)

- 1879 *Ely v. Clute*, 19 Hun 37
Broome v. Taylor, 76 N.Y. 566;* reversing in part, and
aff'g in part, 31 Hun 341
Hill v. Alvord, 19 Hun 79
- 1883 *Luce v. Alexander*, 49 Super. 204; 4 Civ. Pro. 428

1206. (Co. Pro. 274)

- 1883 *Wadsworth v. Lyon*, 93 N.Y. 203
- 1883 *Laude v. Smith*, 6 Civ. Pro. 51
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1207. (Co. Pro. 275)

- 1877 *Douglass v. Douglass*, 11 Hun 408
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Andrews v. N.Y. Steamboat Co., 11 Hun 494
- 1878 *Jordan v. Volkenning*, 72 N.Y. 304
- 1879 *Park v. Park*, 18 Hun 466
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- 1880 *Van Gelder v. Van Gelder*, 81 N.Y. 129
- 1881 *Stevens v. Mayor*, 84 N.Y. 297
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Peck v. N.Y. & N. J. R'y Co., 85 N.Y. 250;* dismissing
appeal from 22 Hun 129

- 1882 *Murtha v. Curley*, 90 N.Y. 377;* 3 Civ. Pro. 1; 12 Abb. N. C. 12; 65 How. Pr. 372
Adams v. Adams, 91 N.Y. 283
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1884 *Livingston v. Sage*, 95 N.Y. 291
1880 *Hensler v. Sefrin*, 19 Hun 568
1881 *Adams v. Adams*, 24 Hun 404
Eysaman v. Eysaman, 24 Hun 435
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1883 *Edson v. Girvan*, 29 Hun 424
1880 *Eberhardt v. Schuster*, 10 Abb. N. C. 389
1882 *Alexander v. Katte*, 10 Abb. N. C. 452; 10 Daly 506
1884 *Cornell v. Cornell*, 96 N.Y. 112*
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1877 *Fairchild v. Lynch*, 42 Super. Ct. 265
1882 *Marie v. Garrison*, 13 Abb. N. C. 210; following 83 N.Y. 14, which rev'd 45 Super. 157
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1884 *Jenks v. Van Brunt*, 6 Civ. Pro. 158
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1208. (Co. Pro. 276)

- 1877 *Briggs v. Oliver*, 68 N.Y. 336

1209. (New)

- 1881 *Valentine v. Central N. Bk*, 10 Abb. N. C. 191
1884 *Crim v. Starkweather*, 32 Hun 353

1210. (2 R. S. 359, § 7)

- 1878 *Darling v. Pierce*, 15 Hun 548
1879 *Tuomey v. Dunn*, 77 N.Y. 516*

1211. (Many Acts)

- 1881 *Dunford v. Weaver*, 84 N.Y. 453
1882 *Goodwin v. Guffin*, 88 N.Y. 630
McIntyre v. Strong, 48 Super. 301; 2 Civ. Pro. 36; 63 How. Pr. 405
1884 *O'Brien v. Young*, 95 N.Y. 438*

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Mode of taking, entering, and enforcing a judgment

- 1883 Meyers v. Becker, 29 Hun 571
 1878 McGowan v. Newman, 4 Abb. N. C. 84

1212. (Co. Pro. 246) **Entering a Judgment.**

- 1881 Bullard v. Sherwood, 85 N.Y. 253; reversing 22 Hun 462
 1882 Maples v. Mackey, 89 N.Y. 148
 1879 Douglas v. Haberstro, 8 Abb. N. C. 230
 1883 Meyers v. Becker, 29 Hun 567

1213. (Co. Pro. 246)

- 1881 Bullard v. Sherwood, 85 N.Y. 256;* rev'g 22 Hun 462*
 1882 Smith v. Rathbun, 88 N.Y. 665*

1214. (Co. Pro. 246, sub. 2)

- 1882 Smith v. Rathbun, 88 N.Y. 665*
 1878 Exchange Fire Ins. Co. v. Early, 4 Abb. N. C. 79
 McGowan v. Newman, 4 Abb. N. C. 84
 1879 Douglas v. Haberstro, 8 Abb. N. C. 230
 Goldschmidt v. Goldschmidt, 47 Super. Ct. (J & S.) 184
 1880 Horton v. La Due, 59 How. Pr. 454

1215. (Co. Pro. 246)

- 1882 Smith v. Rathbun, 88 N.Y. 665*
 1878 Exchange Fire Ins. Co. v. Early, 4 Abb. N. C. 79
 McGowan v. Newman, 4 Abb. N. C. 84; 54 How. Pr. 458
 1883 McCleary v. McCleary, 30 Hun 156
 Goldschmidt v. Goldschmidt, 47 Super. Ct. (J. & S.) 184

1216. (Co. Pro. 246)

- 1878 Exchange Fire Ins Co. v. Early, 4 Abb. N. C. 79
 1882 Plympton v. Bigelow, 11 Abb. N. C. 181; 12 Abb. N. C.
 203; 29 Hun 362; 93 N.Y. 592

- 1881 *Wood v. St. Louis Bolt, &c. Co.*, 1 Civ. Pro. 220
Market N. Bk of N. Y. v. Pacific N. Bk of Boston, 2 Civ.
 Pro. 330
- 1884 *Smith v. Fogarty*, 6 Civ. Pro. 366

1217. (Co. Pro. 246, sub. 2)

- 1882 *Market N. Bk v. Pacific N. Bk*, 89 N.Y. 398; 2 Civ. Pro.
 330
Clark v. Boreel, 21 Hun 594
Plympton v. Bigelow, 11 Abb. N. C. 181; 12 Abb. N. C.
 203; 92 N.Y. 362; 93 N.Y. 592
- 1881 *Wood v. St. Louis Bolt, &c. Co.*, 1 Civ. Pro. 220

1218. (Co. Pro. 115)

- 1879 *Newins v. Baird*, 19 Hun 306
- 1877 *McMurray v. McMurray*, 66 N.Y. 175

1220. (New

- 1880 *Lewis v. Haas*, 25 Hun 267
Valentine v. Central N. Bk, 10 Abb. N. C. 191
- 1884 *Crim v. Starkweather*, 32 Hun 352

1221. (New in form)

- 1881 *Valentine v. Central N. Bk*, 10 Abb. N. C. 191

1222. (Co. Pro. 269)

- 1877 *Van Cott v. Van Brunt*, 2 Abb. N. C. 283
- 1882 *Smith v. Rathbun*, 88 N.Y. 660
Caro v. Metrop. El. R. R. Co., 2 Civ. Pro. 371

1223. (Co. Pro. 269)

- 1884 *Bucking v. Hauselt*, 95 N.Y. 489
- 1884 *Crim v. Starkweather*, 32 Hun 352
- 1883 *Meyers v. Becker*, 29 Hun 567

1224. (New)

- 1879 *Lacustrine F. Co. v. Lake Guano, &c. Co.*, 16 Hun 485
 1884 *Crim v. Starkweather*, 32 Hun 353; 19 W. D. 403
 1882 *Caro v. Met. El'd R. R. Co.*, 2 Civ. Pro. 371

1225. (New)

- 1880 *Chapin v. Thompson*, 80 N.Y. 276
Madison University v. White, 25 Hun 490

1228. (Co. Pro. 267, 272)

- 1877 *Anonymous*, 3 Abb. N. C. 161
 1878 *Marvin v. Marvin*, 75 N.Y. 241*
Woodford v. Benklin, 14 Hun 414
 1880 *Cook v. Darrow*, 22 Hun 306
Schroeter v. Schroeter, 23 Hun 231
 1882 *Van Gelder v. Van Gelder*, 26 Hun 361
 1883 *McCleary v. McCleary*, 30 Hun 155
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 1878 *Offinger v. De Wolf*, 43 Super. 144
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1229. (Rules 78, 83)

- 1877 *Anonymous*, 3 Abb. N. C. 161
 1879 *Conger v. Conger*, 77 N.Y. 434*
 1880 *Schroeter v. Schroeter*, 23 Hun, 231
 1883 *McCleary v. McCleary*, 30 Hun 155
Ross v. Ross, 31 Hun 142
Goldschmidt v. Goldschmidt, 47 Super. 184
 1881 *Farace v. Farace*, 1 Civ. Pro. 419

1230. (New)

- 1880 *Elwood v. Roof*, 82 N.Y. 429
 1884 *Meyers v. Becker*, 95 N.Y. 488
 1880 *Liegeois v. McCracken*, 22 Hun 71
 1875 *Van Cott v. Van Brunt*, 2 Abb. N. C. 283

1231. (New)

- 1875 *Van Cott v. Van Bruht*, 2 Abb. N. C. 288
 1877 *Morgan v. Skidmore*, 3 Abb. N. C. 96

1232. (New)

1879 *Fischer v. Raab*, 57 How. Pr. 87

1234. (Co. Pro. 265)

1878 *Hall v. Hall*, 13 Hun 309

1883 *Johnson v. N.Y. Ontario & W. R. R. Co.*, 30 Hun 167

1878 *Durant v. Abendroth*, 69 N.Y. 148

1235. (Co. Pro. 310)

1881 *Town of Lyons v. Chamberlain*, 25 Hun 53

Munsell v. Hood, 46 Super. Ct. (J. & S.) 134

1236. (Co. Pro. 279, 280, &c.)

1878 *Forsythe v. Campbell*, 15 Hun 237

Miller v. Sheldon, 15 Hun 220

Whitney v. Townsend, 67 N.Y. 40; aff'g 7 Hun 233

1879 *Lacustrine F. Co. v. Lake Guano, &c. Co.*, 16 Hun 486;

reversed in Ct. Appeals, 16 Hun v.

Cambridge N. Bk v. Lynch, 76 N.Y. 515

1880 *Sheridan v. Lynden*, 81 N.Y. 184*

Knapp v. Roche, 82 N.Y. 369*

1237. (Co. Pro. 281) Judgment-roll.

1880 *Knapp v. Roche*, 82 N.Y. 367

1881 *Lyddy v. Chamberlain*, 24 Hun 377

1884 *Equitable Foundry Co. v. Hersec*, 33 Hun 173

1238. (Co. Pro. 281)

1878 *Forsyth v. Campbell*, 15 Hun 237

1880 *Knapp v. Roche*, 82 N.Y. 369*

Knapp v. Roche, 46 Super. 203

1239. (2 R. S. 360, § 11)

1879 *Steuben Co. Bk v. Alberger*, 78 N.Y. 255

1240. (Co. Pro. 285) Enforcing Judgments.

- 1879 *O'Gara v. Kearney*, 77 N.Y. 425;* S. C., 57 How. Pr. 439
- 1884 *Meyers v. Becker*, 95 N.Y. 489
- 1880 *Baker v. Baker*, 23 Hun 260
- 1881 *People ex rel. Fries v. Riley*, 25 Hun 589
- 1883 *Noland v. Noland*, 29 Hun 630
- 1879 *Stockbridge's Assignment*, 7 Abb. N. C. 397
- 1877 *Randell v. Dusenbury*, 41 Super. 457
- 1876 *Crotty v. McKenzie*, 42 Super. 192
- 1879 *Matter of Stockbridge*, 10 Daly 34; 58 How. Pr. 128

1241. (Co. Pro. 285)

- 1878 *Cochrane's Ex'ors v. Ingersoll*, 73 N.Y. 613
- 1879 *O'Gara v. Kearney*, 77 N.Y. 425;* 57 How. Pr. 439
- 1881 *Carr v. Thompson*, 87 N.Y. 161
- 1884 *Meyers v. Becker*, 95 N.Y. 489; 19 W. D. 39
- 1881 *People ex rel. Fries v. Riley*, 25 Hun 589
- 1883 *Noland v. Noland*, 29 Hun 630
- 1878 *Pritchard v. Pritchard*, 4 Abb. N. C. 297
- 1884 *Ryckman v. Ryckman*, 32 Hun 193; 19 W. D. 41
- 1878 *Clark v. Binninger*, 43 Super. 348
- 1879 *Gane v. Gane*, 46 Super. 355
- 1882 *Schulte v. Anderson*, 48 Super. 134
- 1883 *Hall v. U. S. Reflector Co.*, 4 Civ. Pro. 148

1242. (Co. Pro. 287)

- 1880 *U. D. S. A. v. Anderson*, 83 N.Y. 176*
- 1883 *Bedford v. Tupper*, 30 Hun 176

1244. (New)

- 1878 *Randel v. Von Ellert*, 12 Hun 579; S. C., 4 Abb. N. C. 88; 54 How. Pr. 363
- 1883 *Bedford v. Tupper*, 30 Hun 176

1245. (L. 1840, ch. 386, § 34) Docketing a Judgment.

- 1880 *Sheridan v. Lynden*, 81 N.Y. 184*
- 1877 *Union D. S. Bk v. Duryea*, 67 N.Y. 84; aff'd 3 Hun 210
- Green v. Milbank*, 3 Abb. N. C. 138

1246. (2 R. S. § 13)

- 1877 *Union Dime S. Inst. v. Duryea*, 3 Hun 210; aff'd 67 N.Y. 84
 Whitney v. Townsend, 67 N.Y. 409; aff'g 7 Hun 223
 1879 *Steuben Co. Bk v. Alberger*, 78 N.Y. 255
 1880 *Sheridan v. Lynden*, 81 N.Y. 184*
 1884 *People ex rel. Crittenden v. Keenan*, 31 Hun 626
 1884 *Ryckman v. Ryckman*, 32 Hun 193

1247. (L. 1840, ch. 386, § 26)

- 1879 *Steuben Co. Bk v. Alberger*, 78 N.Y. 256
 1880 *Hobart v. Hobart*, 23 Hun 484; rev'd, 1881, 86 N.Y. 636
 1884 *People ex rel. Crittenden v. Keenan*, 31 Hun 626

1248. (2 R. S. 362, § 20)

- 1879 *Steuben Co. Bk v. Alberger*, 75 N.Y. 255

1250. (2 R. S. 362, § 12) **Lien of a Judgment.**

- 1879 *Steuben Co. Bk v. Alberger*, 78 N.Y. 255
 1880 *Sheridan v. Lynden*, 81 N.Y. 183
 1879 *Park v. Park*, 18 Hun 468

1251. (New)

- 1882 *Van Gelder v. Van Gelder*, 26 Hun 362
 1879 *Bronner v. Loomis*, 17 Hun 439

1252. (New)

- 1878 *Forsyth v. Campbell*, 15 Hun 238
 1879 *Evans v. Hill*, 18 Hun 464
 Bronner v. Loomis, 17 Hun 439

1254. (1 R. S. 749, § 3)

- 1879 *Bronner v. Loomis*, 17 Hun 439

1256. (Co. Pro. 282)

- 1831 *Harmon v. Hope*, 87 N.Y. 13*
 1879 *Bronner v. Loomis*, 17 Hun 442
 1877 *Green v. Milbank*, 3 Abb. N. C. 149
 Union D. S. Inst. v. Duryea, 67 N.Y. 84; *aff'g* 3 Hun 210
 1884 *Briggs v. Brown*, 18 Abb. N. C. 481

1259. (New)

- 1881 *Harmon v. Hope*, 87 N.Y. 13*

1260. (Many Acts)

- 1879 *Benson v. Perry*, 17 Hun 16
 Booth v. Farmers' & Mech's N. Bk., 74 N.Y. 228
 1883 *Attorney General v. N. A. Ins. Co.*, 93 N.Y. 388
 1884 *Woodford v. Rasbach*, 6 Civ. Pro. 315

1262. (New)

- 1880 *Dougherty v. Gardner*, 8 Abb. N. C. 224

1266. (L. 1860, ch. 6, § 1) **Satisfaction of a Judgment.**

- 1881 *Bernheim v. Daggett*, 12 Abb. N. C. 316
 1883 *Adams v. Bowe*, 12 Abb. N. C. 322, note; 3 Civ. Pro. 191

1268. (L. 1857, ch. 52)

- 1877 *Am. Exch. Bk v. Brandreth*, 12 Hun 386
 1878 *Matter of Brandreth*, 14 Hun 585
 1881 *Bergen v. Patterson*, 24 Hun 251
 1882 *Blumenthal v. Anderson*, 28 Hun 97; 1883, 91 N.Y. 171*
 1879 *Popham v. Barrette*, 20 Hun 299
 Trimble v. More, 47 Super. Ct. 340
 1882 *Arnold v. Oliver*, 2 Civ. Pro. 457; 64 How. Pr. 452
 1883 *Seaman v. McReynolds*, 65 How. Pr. 521
 1884 *Kaufman v. Lindner*, 6 Civ. Pro. 148
 1880 *Fellows v. Kittredge*, 56 How. Pr. 498

1269. (L. 1844, ch. 104, § 7)

- 1883 *Cook v. Ryan*, 29 Hun 249
 1882 *Blumenthal v. Anderson*, 28 Hun 93; 91 N.Y. 171

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1270. (New) Assignment of a Judgment.

1880 *Dougherty v. Gardner*, 8 Abb. N. C. 224

1271. (L. 1847, ch. 470, § 39, expunged in 1879)

1878 *Tompkins v. Pursell*, 12 Hun 662
Goodyear v. Frisselle, 57 How. Pr. 255

1272. (Co. Pro. 382)

1880 *Field v. Bland*, 8 Abb. N. C. 223

1273. (Co. Pro. 382) Judgment by Confession.

1879 *Steuben Co. Bk v. Alberger*, 78 N.Y. 255
1880 *Field v. Bland*, 81 N.Y. 242;* 8 Abb. N. C. 221
1883 *Candee v. Smith*, 93 N.Y. 350
1880 *N. Bk v. Spencer*, 19 Hun 576

1274. (Co. Pro. 383)

1879 *Steuben Co. Bk v. Alberger*, 78 N.Y. 255
1880 *Field v. Bland*, 81 N.Y. 242;* 8 Abb. N. C. 221
N. Bk v. Spencer, 19 Hun 576
1882 *Martin v. Martin*, 27 Hun 601
1884 *Butts v. Schieffelin*, 5 Civ. Pro. 415
1882 *Chamberlain v. Taylor*, 26 Hun 601

1275. (Co. Pro. 384)

1879 *Steuben Co. Bk v. Alberger*, 78 N.Y. 255
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1276. (Co. Pro. 384)

1879 *Steuben Co. Bk. v. Alberger*, 78 N.Y. 255
1880 *Field v. Bland*, 81 N.Y. 240

1278. (New)

1877 *Garrison v. Garrison*, 67 How. Pr. 271
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- 1883 *Candee v. Smith*, 93 N.Y. 352*
- 1880 *N. Bk v. Spencer*, 19 Hun 575
- 1884 *Smith v. Osborne*, 31 Hun 391
- Smith v. Kibbe*, 31 Hun 390

1279. (Co. Pro. 372) Submitting a Controversy.

- 1877 *Francis v. City of Troy*, 10 Hun 515
- Hastings v. Westchester F. I. Co.*, 12 Hun 417
- Clark v. Van Amburgh*, 14 Hun 557
- 1878 *Gillilan v. Swift*, 14 Hun 574
- Dickinson v. Dickey*, 14 Hun 617
- 1879 *S. C.*, 76 N.Y. 603*
- Waring v. O'Neill*, 15 Hun 108
- City of Buffalo v. Mackay*, 15 Hun 205
- City of Rochester v. Town of Rush*, 15 Hun 239
- 1880 *S. C.*, 80 N.Y. 302
- Dickinson v. Dickey*, 76 N.Y. 602
- Corner v. Wilkin*, 79 N.Y. 135*
- Kennedy v. Mayor*, 79 N.Y. 363*
- Coman v. Lakey*, 80 N.Y. 345
- 1883 *Will of Hancock*, 91 N.Y. 286
- Bertles v. Nunan*, 92 N.Y. 152
- Smith v. Burch*, 92 N.Y. 228
- People v. Fire Ass. of Philadelphia*, 92 N.Y. 312
- People v. Home Ins. Co.*, 92 N.Y. 329
- People v. Albany Ins. Co.*, 92 N.Y. 458
- People v. Mutual En. & Ac. As'n*, 92 N.Y. 623*
- Brookman v. Kurzman*, 94 N.Y. 273
- 1884 *Bloomfield v. Ketcham*, 95 N.Y. 657;* 5 Civ. Pro. 407
- 1878 *Warner v. Durant*, 15 Hun 450
- 1879 *McLoughlin v. Maher*, 17 Hun 215
- Newins v. Baird*, 19 Hun 306
- Union Dime Savings Inst. v. Anderson*, 19 Hun 310
- 1880 *People ex rel. Stebbins v. Hoe*, 20 Hun 26
- Hamilton v. N.Y. Stock Exch. Building Co.*, 20 Hun 88
- Forster v. Civill*, 20 Hun 282
- McCahill v. Hamilton*, 20 Hun 388
- Parsons v. Rhodes*, 22 Hun 81
- Hinckley v. Cooper*, 22 Hun 253
- Spring v. Wait*, 22 Hun 441
- Providence & I. S. S. Co. v. Phoenix Ins. Co.*, 22 Hun 518
- 1881 *Seymour v. Dorchester*, 24 Hun 93
- Kenney v. Wallace*, 24 Hun 478
- McCormick v. Syracuse*, 25 Hun 300

- Fees of Clerk City Court, 25 Hun 593
 1883 Cook *v.* Ryan, 29 Hun 249
 1877 New Amsterdam S. Bk *v.* Tarttar, 4 Abb. N. C. 215
 1881 Neber *v.* Hatch, 10 Abb. N. C. 431
 1884 Macdonald *v.* Mayor, &c., 32 Hun 89
 Davidson *v.* Chatham N. Bk, 32 Hun 138
 1882 Iseman *v.* Myres, 26 Hun 651
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 1883 Macdonald *v.* Ross Levin, 29 Hun 87
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1280. (New)

- 1878 City of Buffalo *v.* Rush, 15 Hun 240
 1879 Dickinson *v.* Dickey, 76 N.Y. 603*
 1883 McDonald *v.* Ross Levin, 29 Hun 87

1281. (Co. Pro. 372, 373)

- 1883 People *v.* Mutual En. & Ac. Ass., 92 N.Y. 624
 1879 Waring *v.* O'Neill, 15 Hun 105
 1882 Greinan *v.* Myres, 26 Hun 651
 1883 McDonald *v.* Ross Levin, 29 Hun 87

1282. (2 R. S. 359, § 2) Vacating a Judgment.

- 1877 Whitney *v.* Townsend, 67 N.Y. 40; aff'g 7 Hun 233
 McMurray *v.* McMurray, 66 N.Y. 175
 Bissell *v.* N. Y. Central, &c. R. R. Co., 67 Barb. 385
 1879 Matter City of Buffalo, 78 N.Y. 369*
 Hatch *v.* C. N. Bk, 78 N.Y. 488
 1883 Will of Hancock, 91 N.Y. 287
 1881 Brown *v.* Griswold, 23 Hun 620
 1876 Spaulding *v.* Lyon, 2 Abb. N. C. 203
 1880 Jex *v.* Jacob, 7 Abb. N. C. 461
 1883 Mut. L. I. Co. *v.* Holloday, 13 Abb. N. C. 16
 1884 Corbin *v.* Westcott, 2 Dem. 560

1283. (2 R. S. 591, §§ 2, 3)

- 1879 Matter City of Buffalo, 78 N.Y. 370*
 Hatch *v.* C. N. Bk, 78 N.Y. 488
 1883 Will of Hancock, 91 N.Y. 287

1286. (2 R. S. 359, §§ 9-17)

1877 *Phillips v. Wheeler*, 67 N.Y. 104

1290. (R. S. § 21)

- 1879 *Matter City of Buffalo*, 78 N.Y. 370*
- Hatch v. C. N. Bk.*, 78 N.Y. 488
- Strong v. Strong*, 3 Redf. Surr. 477
- Underwood v. Sutcliffe*, 21 Hun 357
- Spaulding v. Lyon*, 2 Abb. N. C. 203
- Trustees Northern Dispensary of N. Y. v. Merriam*, 59 How. Pr. 226

1291. (2 R. S. 591, §§ 22, 24)

1883 *Mut. L. I. Co. v. Holloday*, 13 Abb. N. C. 16

1292. (New)

- 1879 *O'Gara v. Kearney*, 77 N.Y. 425 ;* S. C., 57 How. Pr. 439
- 1882 *Martin v. Rector*, 11 Abb. N. C. 367
- Rogers v. Ivers*, 23 Hun 424

CHAPTER XII.

APPEALS.

- 1883 *People ex rel. Fuller v. Carney*, 29 Hun 47
- 1884 *Poole v. Johnstone*, 32 Hun 216

TITLE I.

1879 *Thomas v. Thomas*, 18 Hun 483

1294. (Co. Pro. 325) **Appeals generally.**

- 1878 *Salmon v. Gedney*, 75 N.Y. 480
- People v. N. A. L. I. Co.*, 15 Hun 19

- 1879 *Attorney-General v. N. A. L. I. Co.*, 77 N.Y. 300*
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 1880 *Watrous v. Kearney*, 79 N.Y. 496
 1881 *Hobart v. Hobart*, 86 N.Y. 637
 1882 *Hall v. Brooks*, 89 N.Y. 35
 1880 *Hobart v. Hobart*, 23 Hun 485
 1881 *Goldschmidt v. Goldschmidt*, 47 Super. Ct. (J. & S.) 184;
 compare *Voorhies v. French*, Id. 364
 1883 *Chase v. Chase*, 65 How. Pr. 308
 Louden v. Louden, 65 How. Pr. 40; 17 W. D. 477

1295. (Co. Pro. 326)

- 1881 *Flint v. Van Deusen*, 24 Hun 440
 1882 *McLachlin v. Brett*, 27 Hun 20; 2 Civ. Pro. 194

1296. (New)

- 1878 *People v. N. A. L. I. Co.*, 15 Hun 19
 1879 *Attorney-General v. N. A. L. I. Co.*, 77 N.Y. 299
 1880 *Hobart v. Hobart*, 23 Hun 485
 1882 *McLachlin v. Brett*, 27 Hun 20; 2 Civ. Pro. 194

1297. (New)

- 1882 *Matter of Beckwith*, 87 N.Y. 507*

1298. (Co. Pro. 121)

- 1880 *Carter v. Beckwith*, 82 N.Y. 86
 1882 *Matter of Ross*, 87 N.Y. 515
 1883 *Van Horne v. France*, 32 Hun 506

1299. (New)

- 1882 *Matter of Beckwith*, 87 N.Y. 507*

1300. (Co. Pro. 327)

- 1875 *Matter N.Y. C. & H. R. R. Co.*, 60 N.Y. 115*
 1879 *Morrison v. Morrison*, 16 Hun 509
 Thomas v. Thomas, 18 Hun 483

- Raymond *v.* Richmond, 76 N.Y. 107*
 1883 Langdon *v.* Evans, 29 Hun 653
 1881 Cromwell *v.* Burr, 9 Daly 482
 1882 McLachlin *v.* Brett, 2 Civ. Pro. 194; 27 Hun 20

1301. (New)

- 1878 Wilson *v.* Palmer, 75 N.Y. 250
 1879 Raymond *v.* Richmond, 76 N.Y. 107
 1879 Bearns *v.* Gould, 77 N.Y. 457
 Elliott *v.* Lewis, 16 Hun 582
 1880 Chapin *v.* Thompson, 23 Hun 15
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 1882 Newton *v.* Russell, 87 N.Y. 528
 1884 Carroll *v.* Deimel, 95 N.Y. 254
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 1882 Piper *v.* Van Buren, 27 Hun 387
 1878 Am'n Med'ne Co. *v.* Keisler, 44 Super. 558
 1879 Cameron *v.* Eq'ble L. Ins. Co., 45 Super. Ct. (J. & S.) 628
 1881 Valentine *v.* Central N. Bk., 10 Abb. N. C. 191

1302. (New)

- 1878 Hicock *v.* Weaver, 15 Hun 375
 1877 Miller *v.* Shall, 67 Barb. 446

1303. (Co. Pro. 327)

- Wheeler *v.* Millar, 51 How. Pr. 396
 1877 Roberts *v.* Davids, 12 Hun 395
 1879 McKinstry *v.* Sahler, 17 Hun 136
 Eldridge *v.* Underhill, 17 Hun 241
 Thomson *v.* Thomson, 18 Hun 483
 1881 Arch'l Iron Works *v.* City of Brooklyn, 85 N.Y. 653*
 Douglass *v.* Haberstro, 38 N.Y. 614
 1882 Piper *v.* Buren, 27 Hun 388
 Kantz *v.* Kuhn, 9 Daly 172
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 Quinlan *v.* Russell, 48 Super. 537

1304. (Co. Pro. 350)

- 1877 Pool *v.* Safford, 10 Hun 498
 1878 People ex rel. Loewenbein *v.* Donohue, 14 Hun 418

- 1882 *Matter of Beckwith*, 87 N.Y. 504
 1878 *Canzi v. Connor*, 4 Abb. N. C. 149

1306. (Co. Pro. 335)

- 1878 *Yates v. Burch*, 13 Hun 625
 1882 *McIntyre v. Strong*, 48 Super. 300; 2 Civ. Pro. 36
 1881 *Pingle v. Leverich*, 1 Civ. Pro. 372

1308. (Co. Pro. 335)

- 1878 *Deering v. Metcalf*, 72 N.Y. 613
 1877 *Wice v. Commercial F. I. Co.*, 2 Abb. N. C. 325

1309. (Co. Pro. 348)

- 1877 *Porter v. Kingsbury*, 71 N.Y. 588;* Same Parties, 1879,
 77 N.Y. 165*
 1879 *Rae v. Beach*, 76 N.Y. 166*
 1881 *Yates v. Bunch*, 87 N.Y. 412*
 1883 *Morey v. Tracey*, 92 N.Y. 584*

1310. (Co. Pro. 339 and 342)

- 1877 *Spears v. Matthews*, 66 N.Y. 127; rev'g 6 Hun 489
Sixth Ave. R. R. Co. v. Gilbert E. R. R. Co., 71 N.Y. 431
 1877 *Power v. Village of Athens*, 19 Hun 165
People ex rel. Kelly v. Aitken, 19 Hun 330
 1880 *Elwood v. Roof*, 82 N.Y. 429
 1883 *Morey v. Tracey*, 92 N.Y. 583*
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1311. (New)

- 1878 *Foote v. Schmeder*, 5 W. D. 463
 1877 *Knapp v. Anderson*, 71 N.Y. 466
 1880 *Kantz v. Kuhn*, 9 Daly 172
 1884 *Briggs v. Brown*, 13 Abb. N. C. 481

1312. (Co. Pro. 339)

- 1878 *Yates v. Burch*, 13 Hun 624
 1881 *Arch'l Iron Works v. City of Brooklyn*, 85 N.Y. 652*
 1884 *Hills v. Peekskill S. Bk.*, 95 N.Y. 675*

1315. (Co. Pro. 328)

- 1883 *Dow v. Darragh*, 92 N.Y. 538
Reese v. Boese, 92 N.Y. 632*
 1880 *Townsend v. Nebenzahl*, 2 McC. 342

1316. (Co. Pro. 329)

- 1877 *Bennett v. Austin*, 11 Hun 451
 1878 *Barber v. Stettheimer*, 13 Hun 200
Wilson v. Palmer, 75 N.Y. 250
 1879 *Elliott v. Lewis*, 16 Hun 582
 1880 *Chapin v. Thompson*, 23 Hun 15
 1882 *Newton v. Russell*, 87 N.Y. 528
 1883 *Honegger v. Wettstein*, 94 N.Y. 273; rev'g 47 Super. 125
 1884 *Veeder v. Mudgett*, 95 N.Y. 304
Reese v. Smyth, 95 N.Y. 646*
 1881 *Town of Lyons v. Chamberlain*, 25 Hun 51
 1882 *Piper v. Van Buren*, 27 Hun 386
 1878 *Am. Md'ne Co. v. Keisler*, 44 Super. 558
 1879 *Cameron v. Eq'ble L. I. Co.*, 45 Super. Ct. (J. & S.) 628
 1881 *Valentine v. Central N. Bk.*, 10 Abb. N. C. 191
 1884 *Honegger v. Wettstein*, 13 Abb. N. C. 399
De Silver v. Holden, 6 Civ. Pro. 121

1317. (Co. Pro. 330; New)

- Lake v. Nathans*, 67 N.Y. 589
 1876 *Godfrey v. Moder*, 66 N.Y. 250
Howk v. Bishop, 10 Hun 509
 1878 *Stanton v. King*, 76 N.Y. 585
 1879 *Bearns v. Gould*, 77 N.Y. 457
Kingsley v. City of Brooklyn, 78 N.Y. 202
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 1880 *Chapin v. Thompson*, 23 Hun 15
 1882 *Newton v. Russell*, 87 N.Y. 528
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 1883 *Wetmore v. Porter*, 92 N.Y. 78
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 1878 *Kingsley v. City of Brooklyn*, 5 Abb. N. C. 1
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 1879 *Cameron v. Eq'ble L. Ins. Co.*, 45 Super. Ct. (J. & S.) 628
 1882 *Morss v. Hasbrouck*, 10 Abb. N. C. 415; 2 McC. 119

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- Richardson v. Home Ins. Co.*, 47 Super. Ct. (J. & S.) 138
1884 *Crim v. Starkweather*, 32 Hun 352
1881 *Cromwell v. Burr*, 9 Daly 482
1884 *Price v. Price*, 33 Hun 435

1318. (New)

- 1884 *Vernon v. Palmer*, 5 Civ. Pro. 233

1319. (New)

- 1884 *Crim v. Starkweather*, 32 Hun 352
1883 *Estate of Bullard*, 4 Civ. Pro. 284

1320. (New)

- 1879 *Kingsley v. City of Brooklyn*, 78 N.Y. 203

1321. (New)

- 1879 *Kingsley v. City of Brooklyn*, 78 N.Y. 203

1323. (Co. Pro. 330; New)

- 1879 *O'Gara v. Kearney*, 77 N.Y. 424,* S. C., 57 How. Pr. 439
1880 *People ex rel. Dailey v. Livingston*, 80 N.Y. 69*
1882 *Martin v. Rector*, 11 Abb. N. C. 367; 2 Civ. Pro. 124
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1883 *Kidd v. Curry*, 29 Hun 215

1324. (Co. Pro. 333)

- 1878 *People ex rel. Green v. Smith*, 13 Hun 229
1879 *Bearns v. Gould*, 77 N.Y. 457
Hatch v. C. N. Bk., 78 N.Y. 88

1325. (Co. Pro. 331) **Appeal to the Court of Appeals.**

- 1877 *Miller v. Shall*, 67 Barb. 446
1878 *Wilson v. Palmer*, 75 N.Y. 250*
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1879 *People ex rel. Van Allen v. Perry*, 16 Hun 463
Morrison v. Morrison, 16 Hun 510
1882 *Matter of Beckwith*, 87 N.Y. 507*

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- 1877 *Cowdin v. Teall*, 67 N.Y. 581
- 1878 *Wilson v. Palmer*, 75 N.Y. 250
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- 1879 *Raymond v. Richmond*, 76 N.Y. 107*
- 1880 *Delamater v. Byrne*, 57 How. Pr. 71
Benedict & Burnham Man'g Co. v. Thayer, 82 N.Y. 610*
- 1881 *Burdett v. Lowe*, 85 N.Y. 241 ;* reversing 22 Hun 588
Granger v. Craig, 85 N.Y. 619
Arch'l Iron Works v. City of Brooklyn, 85 N.Y. 652*
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- 1883 *Reese v. Boese*, 92 N.Y. 633
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- 1882 *Morss v. Hasbrouck*, 10 Abb. N. C. 408; 63 How. Pr. 84,
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- 1884 *McGean v. McKellar*, 6 Civ. Pro. 169, 171
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1327. (Co. Pro. 335)

- 1878 *Wilson v. Palmer*, 75 N.Y. 250
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- 1877 *6th Ave. R. R. Co. v. N. Y. Elevated R. R. Co.*, 3 Abb.
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- 1883 *Grow v. Garlock*, 29 Hun 598
- 1884 *Hollister v. McNeil*, 31 Hun 630
- 1882 *Morss v. Hasbrouck*, 10 Abb. N. C. 408; 63 How. Pr. 84,
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- 1883 *Grow v. Snell*, 4 Civ. Pro. 334
Grimwood v. Wilson, 66 How. 283
- 1884 *Hurd v. Hannibal, &c. R. R.*, 6 Civ. Pro. 386

1328. (Co. Pro. 336)

- 1881 *Yates v. Burch*, 87 N.Y. 412*
- 1882 *Morss v. Hasbrouck*, 10 Abb. N. C. 410; 63 How. Pr. 84,
201
- 1884 *Goodwin v. Bunzl*, 6 Civ. Pro. 226
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1329. (Co. Pro. 336)

- 1881 *Yates v. Burch*, 87 N.Y. 412*

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- 1882 *Morss v. Hasbrouck*, 10 Abb. N. C. 410; 63 How. Pr. 84,
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1884 *Goodwin v. Bunzl*, 6 Civ. Pro. 226
1882 *Dunseith v. Linke*, 10 Daly 363

1330. (Co. Pro. 337)

- 1882 *Morss v. Hasbrouck*, 10 Abb. N. C. 410; 63 How. Pr. 84,
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1331. (Co. Pro. 338)

- 1878 *Troy & Boston R. R. Co. v. B., H. T. & W. R. R. Co.*, 57
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1880 *O'Sullivan v. Connor*, 22 Hun 139
1883 *Grow v. Garlock*, 29 Hun 598
1882 *Morss v. Hasbrouck*, 10 Abb. N. C. 410; 63 How. Pr. 84,
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1883 *Grow v. Snell*, 4 Civ. Pro. 334

1332. (New)

- Hinckley v. Kreitz*, 58 N.Y. 383
1882 *Morss v. Hasbrouck*, 10 Abb. N. C. 408; 63 How. Pr. 84,
201
Manning v. Gould, 90 N.Y. 476; 64 How. 429
1884 *Briggs v. Brown*, 13 Abb. N. C. 481

1334. (Co. Pro. 340)

- 1878 *Wilson v. Palmer*, 75 N.Y. 250
1879 *Raymond v. Richmond*, 76 N.Y. 107*
Woolsey v. Brown (Ct. Appeals), 18 Alb'y L. J. 59
1881 *Bassett v. Wheeler*, 84 N.Y. 466
1879 *Delamater v. Byrne*, 57 How. Pr. 170*
1881 *Wheeler v. Millar*, 61 How. Pr. 396
1879 *De Lancey v. Stearns*, 18 Hun 50
1882 *Morss v. Hasbrouck*, 10 Abb. N. C. 409; 63 How. Pr. 84, 201
1883 *Grimwood v. Wilson*, 66 How. 283

1335. (Co. Pro. 341)

- 1882 *Manning v. Gould*, 90 N.Y. 479;* 3 Civ. Pro. 58
1884 *Ross v. Markham*, 5 Civ. Pro. 81
Goodwin v. Bunzl, 6 Civ. Pro. 226
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- 1881 *Walker v. Spencer*, 85 N.Y. 167*
- 1883 *Victory v. Blood*, 93 N.Y. 650*
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- 1879 *Lacustrine F. Co. v. Lake Guano, &c. Co.*, 16 Ill. 486
- 1877 *Rust v. Haselt*, 69 N.Y. 485; dismissing appeal, 41 Super.
 467; Order subsequently amended, 41 Super. Ct. (J. &
 S.) 573
- 1880 *Hathaway v. Russell*, 46 Super. 109
- 1882 *Manning v. Gould*, 90 N.Y. 476; 3 Civ. Pro. 58; 64 How.
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- 1881 *Wheeler v. Millar*, 61 How. Pr. 396
- 1884 *Hooker v. Townsend*, 66 How. Pr. 349
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1337. (New)

- 1878 *Lawrence v. Farley*, 73 N.Y. 189
- 1880 *Reitz v. Reitz*, 80 N.Y. 541*
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- 1881 *Bassett v. Wheeler*, 84 N.Y. 469*
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- 1882 *Matter of Ross*, 87 N.Y. 516*
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- 1882 *Application of N.Y. C. & H. R. R. Co.*, 90 N.Y. 342
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- 1883 *Hynes v. McDermott*, 91 N.Y. 464
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- 1884 *Peck v. Callaghan*, 95 N.Y. 74
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1338. (Co. Pro. 268, 272)

- 1876 *Godfrey v. Moser*, 66 N.Y. 250
- 1879 *Van Tassel v. Wood*, 76 N.Y. 614*
- 1880 *Bennett v. Garlock*, 79 N.Y. 307*
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- Reitz v. Reitz*, 80 N.Y. 541*
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 1881 *Goodwin v. Conklin*, 85 N.Y. 25*
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 1882 *West T. & Coal Co. of Michigan v. Kilderhouse*, 87 N.Y. 435*
Matter of Ross, 87 N.Y. 516*
 1883 *Hynes v. McDermott*, 91 N.Y. 452
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 1883 *Hancock v. Rand*, 94 N.Y. 3
 1884 *Sherwood v. Hansen*, 94 N.Y. 627*
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1339. (Co. Pro. 333, 265)

- 1883 N.Y. W. Sh. & H. R. R. Co., 94 N.Y. 289
 1879 *Cohn v. Goldman*, 76 N.Y. 284

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APPEAL TO THE SUPREME COURT FROM AN INFERIOR COURT.

- 1879 *Thomas v. Thomas*, 18 Hun 483

1340. (Co. Pro. 344) Appeal to Supreme Court.

- 1880 *Andrews v. Long*, 79 N.Y. 574*
 1878 *People ex rel. Board of Charities v. Davis*, 15 Hun 209
Matter of Beckwith, 15 Hun 326
 1879 *Newell v. Cutler*, 19 Hun 75
Andrews v. Long, 19 Hun 304
 1880 *Fish v. Thrasher*, 21 Hun 16
Perry v. Round Lake Camp Meeting Assoc'n, 22 Hun 294
 1881 *Warner v. Henderson*, 25 Hun 304
 1883 *People ex rel. Fuller v. Carney*, 29 Hun 47
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 1881 *Coleman v. Phelps*, 1 Civ. Pro. 9
 1884 *Ross v. Markham*, 5 Civ. Pro. 81

1341. (Co. Pro. 345, 331)

- 1882 Matter of Beckwith, 87 N.Y. 507*
- 1878 Matter of Beckwith, 15 Hun 326
- 1877 Miller v. Shall, 67 Barb. 446

1342. (Co. Pro. 344)

- 1880 Andrews v. Long, 19 Hun 303; 79 N.Y. 574;* probably altered by amendment.
- 1879 Newell v. Cutler, 19 Hun 75
- 1880 (Before amendment) Fish v. Thrasher, 21 Hun 15
- Roberts v. Marson, 21 Hun 363
- Matter of Rider, 23 Hun 92
- Tate v. McCormick, 23 Hun 220
- 1881 Kincaid v. Richardson, 25 Hun 238
- Warner v. Henderson, 25 Hun 304
- 1883 Matter of McArdle, 30 Hun 465
- Johnson v. N. Y. Ontario & Wn. R. R. Co., 30 Hun 167
- Matteson v. Hall, 64 How. Pr. 515
- 1884 Lippincott v. Westray, 6 Civ. Pro. 74

1346. (Co. Pro. 348)

- 1879 Kilmer v. Hathorn, 78 N.Y. 231*
- Manning v. Gould, 90 N.Y. 476
- Re Jetter, 78 N.Y. 606
- 1883 Raynor v. Raynor, 94 N.Y. 250*
- 1878 Allen v. Eighmie, 14 Hun 560
- Cheney v. N.Y. C. & H. R. R. Co., 16 Hun 418
- 1879 Van Doren v. Horton, 19 Hun 9
- 1880 Young v. Cuddy, 23 Hun 250
- 1881 Seely v. N.Y. C. & H. R. R. Co., 25 Hun 232
- 1877 Anonymous, 3 Abb. N. C. 161
- 1883 Mandville v. Marvin, 30 Hun 287

1347. (Co. Pro. 349) Appeal to General Term.

- 1878 Carleton v. Darcy, 75 N.Y. 376
- 1879 Cambridge Valley Nat. Bk v. Lynch, 76 N.Y. 515*
- 1880 Re Jetter, 78 N.Y. 606*
- Uline v. N.Y. C. & H. R. R. Co., 79 N.Y. 182*

- 1880 *Chapin v. Thompson*, 80 N.Y. 276
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- 1882 *Matter of Tinsley*, 90 N.Y. 232
- 1883 *Londriggan v. N.Y., & N. H. R. R. Co.*, 49 Super. 526;
 12 Abb. N. C. 272; 5 Civ. Pro. 76
- 1878 *Van Gelder v. Van Gelder*, 13 Hun 119
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- 1879 *Lacustrine F. Co. v. Lake Guano, &c. Co.*, 16 Hun 485;
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- 1880 *Chapin v. Thompson*, 23 Hun 15
- 1883 *People ex rel. Schlehe v. Common Council*, 30 Hun 636
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- 1879 *Garner v. Harmony Mills*, 6 Abb. N. C. 212; 45 Super.
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- 1883 *People v. N. Trust Co.*, 31 Hun 25
- 1878 *Parsons v. Belden*, 9 Abb. N. C. 56
- 1883 *In re Nat. Trust Co.*, 6 Civ. Pro. 203

1348. (Co. Pro. 350)

- 1879 *Re Jetter*, 78 N.Y. 606*
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- 1877 *Pool v. Safford*, 10 Hun 497

1349. (Co. Pro. 349, sub. 2)

- 1879 *Cambridge Valley Nat'l Bk. v. Lynch*, 76 N.Y. 515*
- 1880 *Van Sauten v. Standard Oil Co.*, 81 N.Y. 172
- 1881 *Walker v. Spencer*, 86 N.Y. 167*
- 1883 *Victory v. Blood*, 93 N.Y. 650*
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- 1878 *Van Gelder v. Van Gelder*, 13 Hun 119
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- 1879 *Lacustrine F. Co. v. Lake Guano, &c. Co.*, 16 How. 485;
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- 1881 *Coleman v. Phelps*, 24 Hun 321
- 1884 *Hand v. Sup's Columbia Co.*, 31 Hun 531
- 1879 *Hathaway v. Russell*, 7 Abb. N. C. 146; 45 Super. 538
- 1880 *Hathaway v. Russell*, 46 Super. 109

1350. (New)

- 1883 *Victory v. Blood*, 93 N.Y. 650*
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- 1884 *Reese v. Smyth*, 95 N.Y. 646
- 1878 *Miller v. Sheldon*, 15 Hun 221
- 1879 *Lacustrine F. Co. v. Lake Guano, &c. Co.*, 16 Hun 485;
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- 1880 *Hathaway v. Russell*, 46 Super. 109

1351. (Co. Pro. 332, 348, 350)

- 1877 *Spears v. Mathews*, 66 N.Y. 127 ; rev'g 6 Hun 489
 6th Ave. R. R. Co. v. Gilbert El. R. R. Co., 71 N.Y. 431*
- 1879 *Kelly v. Sheehan*, 76 N.Y. 325
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- 1880 *Elwood v. Roof*, 82 N.Y. 429
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 Delamater v. Byrne, 57 How. Pr. 170
- 1877 *Waring v. Somborn*, 12 Hun 81
- 1878 *Yates v. Burch*, 13 Hun 624
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- 1879 *Morrison v. Morrison*, 16 Hun 509
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- 1881 *Coleman v. Phelps*, 24 Hun 321; 1 Civ. Pro. 9
- 1882 *Hull v. Hart*, 27 Hun 71
- 1883 *Langdon v. Evans*, 29 Hun 653
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- 1881 *Heilner v. Walsh*, 47 Super. Ct. (J. & S.) 269
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- 1877 *Miler v. Shall*, 67 Barb. 446
- 1883 *Baker v. Hatfield*, 3 Civ. Pro. 303; 29 Hun 670

1352. (Co. Pro. 348)

- 1877 *Spear v. Matthews*, 66 N.Y. 127 ; rev'g 6 Hun 489
 6th Av. R. R. Co. v. Gilbert El. R. R. Co., 71 N.Y. 431
- 1880 *Elwood v. Roof*, 82 N.Y. 429

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- 1882 *Manning v. Gould*, 90 N.Y. 479;* 47 Super. 387; 64 How. Pr. 429; 3 Civ. Pro. 58
1877 *People ex rel. Cantrell v. Alker*, 12 Hun 88
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1881 *Moak v. Hayes*, 25 Hun 316
1884 *White v. Rintoul*, 6 Civ. Pro. 259

1353. (New)

- 1881 *Weseman v. Wingrove*, 85 N.Y. 358;* aff'g 9 Weekly Dig. 434
1880 *Hathaway v. Russell*, 46 Super. 109
1881 *Ass't of Sweezey*, 64 How. Pr. 331
1884 *Poole v. Johnson*, 32 Hun 216

1354. (New)

- 1880 *Knapp v. Roche*, 82 N.Y. 369;* 46 Super. 203

1355. (Co. Pro. 347, 348)

- 1882 *Manning v. Gould*, 90 N.Y. 476; 64 How. Pr. 429; 47 Super. 387; 3 Civ. Pro. 58

1356. (L. 1854, ch. 270. § 1)

- 1878 *People ex rel. Green v. Smith*, 13 Hun 231
People ex rel. Lowenbein v. Donohue, 15 Hun 419
1879 *Re Jetter*, 78 N.Y. 605*
1881 *Re P. P. & C. I. R. R. Co.*, 85 N.Y. 489
1882 *People ex rel. Negus v. Dwyer*, 90 N.Y. 407; 2 Civ. Pro. 379
1884 *Poole v. Johnson*, 32 Hun 218; 5 Civ. Pro. 279
Assignment of Sweezey, 64 How. 331

1357. (Co. Pro. 344) Appeal in a Special Proceeding.

- 1878 *People ex rel. Board of Charities v. Davis*, 15 Hun 210
1879 *Re Jetter*, 78 N.Y. 605*
1881 *Re P. P. & C. I. R. R. Co.*, 85 N.Y. 489
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1882 *People ex rel. Negus v. Dwyer*, 90 N.Y. 407; 2 Civ. Pro. 379

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- 1883 *People ex rel. Fuller v. Carney*, 29 Hun 47
 1884 *Matter of Swan*, 33 Hun 202
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1358. (Co. Pro. 329)

- 1878 *People ex rel. Green v. Smith*, 13 Hun 231
 1881 *Re P. P. & C. I. R. R. Co.*, 85 N.Y. 489

1359. (Co. Pro. 332; Act of 1854, § 2)

- 1878 *People ex rel. Green v. Smith*, 13 Hun 231
 Morrison v. Morrison, 16 Hun 590

1361. (New)

- 1881 *Matter of Swezey*, 64 How. Pr. 331
 1884 *Poole v. Johnson*, 32 Hun 218

1364. (Co. Pro. 286) Executions generally.

- 1882 *Douglas v. Haberstro*, 88 N.Y. 613

1365. (Co. Pro. 287)

- Palmer v. Clark*, 4 Abb. N. C. 25
 1883 *Prince v. Anderson*, 29 Hun 4
 Dissosway v. Hayward, 1 Dem. 175
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1366. (Co. Pro. 289, 290)

- 1878 *Forsyth v. Campbell*, 15 Hun 238
 1880 *Benedict & Burnham Man'g Co. v. Thayer*, 20 Hun 547
 1881 *Douglas v. Haberstro*, 25 Hun 263; appealed, 1882, 88 N.
 Y. 618; * 62 How. Pr. 457; 2 Civ. Pro. 186
 1880 *Bartels v. Cunningham*, 8 Abb. N. C. 226
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 1881 *Bernheim v. Daggett*, 12 Abb. N. C. 316
 1883 *Adams v. Bowe*, 12 Abb. N. C. 322, note
 1882 *Ansonia Brass & Copper Co. v. Conner*, 3 Civ. Pro. 88
 1884 *Ansonia Brass & Copper Co. v. Conner*, 6 Civ. Pro. 173
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1367. (Co. Pro. 289) **Requisite of Executions.**

- 1880 *Ennis v. Broderick*, 45 Super. Ct. (J. & S.) 92
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1882 *Whitman v. James*, 10 Daly 492

1368. (Many Acts)

- 1881 *Todd v. Botchford*, 86 N.Y. 517;* 1 Civ. Pro. 402
Whitman v. James, 10 Daly 492

1369. (Co. Pro. 289)

- 1877 *Warden v. Browning*, 22 Hun 499
1883 *Dissosway v. Hayward*, 1 Dem. 175
1882 *Woolworth v. Taylor*, 62 How. Pr. 90

1370. (New)

- 1882 *McKinney v. Collins*, 88 N.Y. 218
1883 *Place v. Riley*, 32 Hun 19; 4 Civ. Pro. 393
1884 *Thomas v. Bogert*, 33 Hun 14

1371. (Co. Pro. 289, sub. 4)

- 1883 *Dodge v. Stevens*, 94 N.Y. 211
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1884 *Lichtenberg v. Hertfelder*, 5 Civ. Pro. 426; 33 Hun 59
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1372. (Co. Pro. 289, sub. 3)

- 1881 *Ryle v. Falk*, 24 Hun 257
1882 *Goodwin v. Griffin*, 88 N.Y. 630
1880 *People ex rel. Beach v. Reilly*, 58 How. Pr. 218

1373. (Co. Pro. 289, sub. 4)

- 1879 *Hoffman v. Conner*, 76 N.Y. 122

1374. (New)

- 1882 *Whitman v. James*, 10 Daly 493
1878 *Morgan v. Stevens*, 6 Abb. N. C. 356

1375. (Co. Pro. 233) **Issuing Executions.**

- 1876 *Spaulding v. Lyon*, 2 Abb. N. C. 203
1883 *Kupfer v. Frank*, 30 Hun 75 ; 4 Civ. Pro. 53; 65 How.
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1376. (New)

- 1877 *Walker v. Donovan*, 6 Daly 552
1880 *Pardee v. Tilton*, 20 Hun 79
1881 *Dwyer v. Botsford*, 24 Hun 318
Kincaid v. Richardson, 9 Abb. N. C. 318; 25 Hun 237
1878 *Crill v. Kommeyer*, 56 How. Pr. 276

1377. (Co. Pro. 284)

- 1876 *Wooster v. Westerich*, 2 Abb. N. C. 206
1877 *Marine Bk. Chicago v. Van Brunt*, 11 Hun 380
1879 *Park v. Park*, 18 Hun 468
1881 *Frean v. Garrett*, 24 Hun 161
Kincaid v. Richardson, 9 Abb. N. C. 316

1378. (Co. Pro. 284)

- 1881 *Kincaid v. Richardson*, 9 Abb. N. C. 316; 25 Hun 237

1379. (2 R. S. 368, § 279)

- 1883 *Wadley v. Davis*, 29 Hun 12; 30 Hun 572

1380. (L. 1850, ch. 259, remodelled; Co. Pro. 376)

- 1876 *Matter of Clark*, 2 Abb. N. C. 208
1877 *Marine Bk. Chicago v. Van Brunt*, 11 Hun 380
1882 *Kerr v. Kreuder*, 28 Hun 453
Adsit v. Butler, 87 N.Y. 587
1883 *Wadley v. Davis*, 30 Hun 572; 29 Hun 12

1381. (New)

- 1882 *Adsit v. Butler*, 87 N.Y. 587
Kerr v. Kreuder, 28 Hun 453
1883 *Matter of Wadley*, 29 Hun 12
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Freeman v. Nelson, 4 Redf. 374
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1383. (New) Execution; Exempt Property.1876 *In re Clark*, 2 Abb. N. C. 208**1391. (Act 1842, ch. 157, § 1)**1875 *Brown v. Davis*, 9 Hun 431883 *Russell v. Dean*, 30 Hun 243*Keiher v. Shepherd*, 4 Civ. Pro. 274**1393. (L. 1864, ch. 578, §§ 4, 6)**1884 *Hodge v. Leaning*, 2 Dem. 556**1405. (2 R. S. 365, § 13) Execution; Personal Property.**1879 *Smith v. Erwin*, 77 N.Y. 471*1881 *Read v. McLanahan*, 47 Super. 2751883 *Steffin v. Steffin*, 4 Civ. Pro. 179*Lyman v. Bowe*, 5 Civ. Pro. 157**1412. (2 R. S. 365, § 20)***Bakewell v. Ellsworth*, 6 Hill 484*Truslow v. Putnam*, 1 Keyes 5681882 *Stief v. Hart*, 81 N.Y. 201881 *Read v. McLanahan*, 47 Super. 275**1413. (New)**1881 *Read v. McLanahan*, 47 Super. 275**1417. (New)**1881 *Read v. McLanahan*, 47 Super. 275**1418. (New)**1884 *Read v. Hall*, 31 Hun 407**1419. (New) Execution; Sheriff's Indemnitors.**1882 2d N. Bk. Oswego *v. Dunn*, 2 Civ. Pro. 259; 4 Civ. Pro. 378

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1421. (New)

- 1882 *Malcolm v. O'Reilly*, 89 N.Y. 157
1883 *Hessberg v. Riley*, 91 N.Y. 379;* 3 Civ. Pro. 165
1884 *Hein v. Davidson*, 96 N.Y. 175;* 5 Civ. Pro. 28; 5 Civ.
Pro. 391
Hayes v. Davidson, 6 Civ. Pro. 377

1422. (New)

- 1882 *Malcolm v. O'Reilly*, 89 N.Y. 157
1882 *Hessberg v. Riley*, 91 N.Y. 380;* 3 Civ. Pro. 165
1884 *Hein v. Davidson*, 5 Civ. Pro. 28; 5 Civ. Pro. 391*
Hayes v. Davidson, 6 Civ. Pro. 377

1423. (New)

- 1882 *Malcolm v. O'Reilly*, 89 N.Y. 157
1883 *Hessberg v. Riley*, 91 N.Y. 380; 3 Civ. Pro. 165
1884 *Hein v. Davidson*, 5 Civ. Pro. 28; 5 Civ. Pro. 391*
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1424. (New)

- 1882 *Malcolm v. O'Reilly*, 89 N.Y. 157
1884 *Hein v. Davidson*, 5 Civ. Pro. 28, 391*
Hayes v. Davidson, 6 Civ. Pro. 377

1425. (New)

- 1882 *Malcolm v. O'Reilly*, 89 N.Y. 157
1884 *Hein v. Davidson*, 5 Civ. Pro. 28, 391*
Hayes v. Davidson, 6 Civ. Pro. 377

1426. (New)

- 1882 *Malcolm v. O'Reilly*, 89 N.Y. 157
1883 *Hessberg v. Riley*, 91 N.Y. 380; 3 Civ. Pro. 165

1428. (2 R. S. 367, § 23) Personal Property.

- 1881 *Chapman v. Morrill*, 19 Hun 318
Read v. McLanahan, 47 Super. 275
1883 *Winter v. Eckert*, 93 N.Y. 368

174 EXECUTION; REDEMPTION.

1437. (2 R. S. 368, § 38)

1882 McIntyre *v.* Sanford, 2 Civ. Pro. 306; 89 N.Y. 634

1438. (2 R. S. 368, § 41) **Real Property.**

1880 O'Brien *v.* Hashagen, 20 Hun 564

1440. (2 R. S. 343, § 61)

1882 McIntyre *v.* Sanford, 89 N.Y. 634;* 2 Civ. Pro. 306

1884 Ford *v.* Knapp, 31 Hun 525

1441 (2 R. S. 336, § 22)

1884 Ford *v.* Knapp, 31 Hun 525

1446. (2 R. S. 370, § 45)

1877 Boyce *v.* Wight, 2 Abb. N. C. 163

1884 Thomas *v.* Bogert, 33 Hun 13

1447.

1884 Thomas *v.* Bogert, 33 Hun 13

1448. (2 R. S. 336, § 49)

1877 Boyce *v.* Wight, 2 Abb. N. C. 163

1881 Gotendorf *v.* Goldschmidt, 83 N.Y. 110

1449. (2 R. S. 370, § 50)

1877 Boyce *v.* Wight, 2 Abb. N. C. 163

1450. (2 R. S. 270, § 51)

1884 Youmans *v.* Terry, 32 Hun 626

1461. (New)

1880 Bennett *v.* Bagley, 22 Hun 410

1884 Ford *v.* Knapp, 31 Hun 525

1463. (New)

1882 Nehrbooss *v.* Bliss, 88 N.Y. 601

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1464. (2 R. S. 372, § 60)

- 1882 *Nehrboss v. Bliss*, 88 N.Y. 603;* 2 Civ. Pro. 39
1884 *Youmans v. Terry*, 32 Hun 627

1466. (L. 1886, ch. 525, § 2, sub. 3)

- 1882 *Nehrboss v. Bliss*, 2 Civ. Pro. 37; 88 N.Y. 603

1472. (L. 1835, ch. 189, § 1)

- 1882 *Nehrboss v. Bliss*, 88 N.Y. 603

1474. (L. 1835, ch. 189, § 2) Sheriff's Deed Against the Person.

- 1884 *Youmans v. Terry*, 32 Hun 627

1487. (Co. Pro. 288)

- 1877 *N. Y. Guaranty, &c. Co. v. Roberts*, 43 Super. 556
1878 *Taylor v. Faas*, 14 Hun 168
Rollins v. Falconer, 43 Super. 370
1880 *Cook v. Freudenthal*, 80 N.Y. 208*
Catlin v. Adirondack Co., 20 Hun 19 ; Reversed in Court of Appeals, June, 1880
Philbrook v. Kellogg, 21 Hun 239
1881 *Keller v. Strasburger*, 23 Hun 627
Whitman v. James, 1 Civ. Pro. 235
1882 *Goodwin v. Griffin*, 88 N.Y. 630
Keller v. Strasburgher, 90 N.Y. 382*
Ætna Ins. Co. v. Shuler, 28 Hun 239
Parker v. Speer, 49 Super. 3; 62 How. Pr. 394
Haines v. Jeroloman, 2 McC. 196
1883 *Lawrence v. Foxwell*, 49 Super. 277
United States v. Reid, 4 Civ. Pro. 1
1884 *Segelken v. Meyer*, 94 N.Y. 485;* 5 Civ. Pro. 258

1489. (Co. Pro. 288) Execution against the Person.

- 1882 *Goodwin v. Griffin*, 88 N.Y. 630

1491. (2 R. S. 364, § 7)

- 1884 *Flack v. State of N.Y.*, 95 N.Y. 462

1492. (2 R. S. 364, § 8)

- 1884 *Flack v. State of N.Y.*, 95 N.Y. 462

THE
CODE OF CIVIL PROCEDURE.

PART II.

[L. 1880, ch. 178.]

AN ACT

SUPPLEMENTAL TO THE CODE OF CIVIL PROCEDURE.

PASSED May 8, 1880, three-fifths being present.

1881 *Peck v. Peck*, 8 Abb. N. C. 402

1880 Note, 9 Abb. N. C. 162

CHAPTER XIV.

SPECIAL PROVISIONS REGULATING ACTIONS RELATING TO
PROPERTY.1883 *Matter of Gates*, 26 Hun 1811883 *People ex rel. Fuller v. Carney*, 29 Hun 47**1496.** (New) **Action to recover Real Property.**1882 *Will of Gates*, 26 Hun 1761883 *Van Voorhis v. Keely*, 31 Hun 295**1498.** (2 R. S. 312, § 57)1884 *Howell v. Leavitt*, 95 N.Y. 619*Meigs v. Willis*, 5 Civ. Pro. 1061883 *Keeler v. McNierney*, 6 Civ. Pro. 3631884 *Kent v. Popham*, 6 Civ. Pro. 336

1500. (New)

- 1882 *Smith v. Long*, 12 Abb. N. C. 121; reversing 9 Daly 429;
S. C., 3 Civ. Pro. 396

1501. (Co. Pro. 111)

- 1881 *Ward v. Reynolds*, 25 Hun 385
1882 *Chamberlain v. Taylor*, 26 Hun 601; 92 N.Y. 352;* 12
Abb. N. C. 473
Smith v. Long, 12 Abb. N. C. 121; reversing 9 Daly 429;
S. C., 3 Civ. Pro. 396
Adriance v. Sanders, 11 Abb. N. C. 422
1883 *Van Voorhis v. Keeley*, 31 Hun 295

1502. (2 R. S. 304, § 47)

- 1880 *Chamberlain v. Taylor*, 92 N.Y. 349
1884 *Rank v. Levinus*, 50 Super. 164; 5 Civ. Pro. 368
De Meli v. De Meli, 5 Civ. Pro. 308

1503. (Co. Pro. 118)

- 1879 *Thompson v. Burhaus*, 79 N.Y. 95

1504. (2 R. S. 505, § 25) Actions Relating to Real Property.

- Van Rensselaer v. Snyder*, 13 N.Y. 299
Van Rensselaer v. Ball, 19 N.Y. 100*
Hosford v. Ballard, 39 N.Y. 147
Van Rensselaer v. Slingerland, 26 N.Y. 580
1867 *Samson v. Rose*, 65 N.Y. 411
Whyland v. Weaver, 67 Barb. 116
1883 *Horton v. N.Y. Central R. R. Co.*, 12 Abb. N. C. 31

1505. (L. 1846, ch. 274, § 3)

- 1883 *Horton v. N.Y. Central, &c. R. R. Co.*, 12 Abb. N. C. 31

1506. (2 R. S. 505, § 32)

- 1883 *Horton v. N.Y. Central, &c. R. R. Co.*, 12 Abb. N. C. 32

1507. (New)

- 1883 *Horton v. N.Y. Central, &c. R. R. Co.*, 12 Abb. N. C. 32

178 RECOVERING REAL PROPERTY.

1508. (2 R. S. 505, §§ 33, 35) **Action to Recover Real Property.**

1883 *Horton v. N. Y. Central, &c. R. R.*, 12 Abb. N. C. 32

1509. (2 R. S. 505, §§ 33, 35)

1883 *Horton v. N. Y. Central, &c. R. R. Co.*, 12 Abb. N. C. 32

1510. (2 R. S. 505, § 38)

1883 *Horton v. N. Y. Central, &c. R. R. Co.*, 12 Abb. N. C. 32

1511. (2 R. S. 304, § 8)

1884 *Rank v. Levinus*, 50 Super. 163; 5 Civ. Pro. 368

1515. (2 R. S. 505, § 27)

1884 *Henderson v. Scott*, 6 Civ. Pro. 39

1519. (2 R. S. 505, § 20, sub. 7)

1883 *Chamberlain v. Taylor*, 92 N.Y. 349

1524. (2 R. S. 309, § 36)

1881 *Post v. Moran*, 1 Civ. Pro. 222; 61 How. Pr. 121

1882 *Carleton v. Darcy*, 90 N.Y. 570

1525. (2 R. S. 309, § 37)

1879 *Sacia v. O'Connor*, 47 Super. 53; 79 N.Y. 260

1881 *Post v. Moran*, 1 Civ. Pro. 222; 61 How. Pr. 121

1882 *Martin v. Rector*, 11 Abb. N. C. 364; 2 Civ. Pro. 134; 63 How. 362

Howell v. Leavitt, 2 Civ. Pro. 447; 90 N.Y. 238

1884 *Carleton v. Mayor*, 50 Super. 182

1526. (2 R. S. 309, § 38)

1882 *Martin v. Rector*, 11 Abb. N. C. 364; 2 Civ. Pro. 134; 63 How. Pr. 362

1881 *Post v. Moran*, 1 Civ. Pro. 222; 61 How. Pr. 121

1882 *Howell v. Leavitt*, 90 N.Y. 238

1529. (2 R. S. 309, § 41)

1882 *Martin v. Rector*, 11 Abb. N. C. 364; 2 Civ. Pro. 134

1883 *Carleton v. Mayor*, 5 Civ. Pro. 418

1531. (2 R. S. 317, §§ 43, 49, 50)

- 1882 *Daniel v. Daniel*, 2 Civ. Pro. 238
 1883 *Pierson v. Safford*, 30 Hun 522
 1884 *Boardway v. Scott*, 31 Hun 379
 Henderson v. Scott, 6 Civ. Pro. 39

1532. (2 R. S. 317, § 1) **Partition.**

- 1876 *Marvin v. Marvin*, 1 Abb. N. C. 372
 1880 *Prentice v. Jansen*, 79 N.Y. 480
 1881 *Thebaud v. Schermerhorn*, 10 Abb. N. C. 79
 Harris v. Larkins, 22 Hun 488
 1884 *Pritchard v. Dratt*, 32 Hun 418

1533. (New)

- 1882 *Hughes v. Hughes*, 11 Abb. N. C. 37; 30 Hun 350; 63
 How. Pr. 408; 2 Civ. Pro. 139
 Scheu v. Lehning, 31 Hun 185; 4 Civ. Pro. 385

1535. (Many Acts)

- 1880 *Gotendorf v. Goldschmidt*, 82 N.Y. 112

1536. (2 R. S. 317, § 4)

- 1884 *Thistle v. Thistle*, 5 Civ. Pro. 43; 66 How. Pr. 472

1537. (L. 1853, ch. 238, § 2) **Action for Partition.**

- 1883 *Velie v. Newark City Ins. Co.*, 12 Abb. N. C. 313
 1880 *Harris v. Larkins*, 22 Hun 488
 Ward v. Ward, 23 Hun 431

1538. (2 R. S. 317, §§ 57, 36)

- 1880 *Monarque v. Monarque*, 8 Abb. N. C. 103
 1882 *Hughes v. Hughes*, 11 Abb. N. C. 39

1539. (2 R. S. 317, § 36)

- 1883 *Hagerty v. Andrews*, 94 N.Y. 196
 1884 *Mapes v. Brown*, 14 Abb. N. C. 95

1540. (2 R. S. 317, §§ 8, 9, &c.)

- 1880 *Monarque v. Monarque*, 8 Abb. N. C. 103
 1883 *Smith v. Roberts*, 91 N.Y. 472
 Hagerty v. Andrews, 94 N.Y. 197

1541. (2 R. S. 317, § 12)1883 *O'Neil v. Bender*, 30 Hun 207**1542.** (2 R. S. 317, § 5)1880 *Monarque v. Monarque*, 8 Abb. N. C. 1031882 *Mayor v. Coffin*, 90 N.Y. 313**1543.** (2 R. S. 317, §§ 18, 19)1882 *Mayor v. Coffin*, 90 N.Y. 313*Barnard v. Onderdonk*, 11 Abb. N. C. 349; 2 Civ. Pro. 2941883 *Hagerty v. Andrews*, 94 N.Y. 198;* 4 Civ. Pro. 323**1544.** (New)1878 *Wheelock v. Lee*, 74 N.Y. 500*1883 *Streat v. Rothschild*, 12 Abb. N. C. 388, note*Cassedy v. Wallace*, 61 How. Pr. 240**1546.** (2 R. S. 317, §§ 23, 81)1883 *Hagerty v. Andrews*, 94 N.Y. 197**1557.** (2 R. S. 317, § 35)1880 *Monarque v. Monarque*, 8 Abb. N. C. 103**1559.** (2 R. S. 317, § 72)1883 *Weed v. Paine*, 31 Hun 12; 4 Civ. Pro. 305; 13 Abb. N. C. 204**1569.** (2 R. S. 317, §§ 52, 53, 54)1884 *Rockwell v. Decker*, 5 Civ. Pro. 62**1570.** (L. 1849, ch. 177, § 1)1884 *Rockwell v. Decker*, 5 Civ. Pro. 62**1579.** (2 R. S. 317, § 62)1883 *Weed v. Paine*, 31 Hun 12; 13 Abb. N. C. 204**1580.** (2 R. S. 317, § 63)1884 *Rockwell v. Decker*, 5 Civ. Pro. 62

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1581. (2 R. S. 317, § 64)

1880 *Chesterman v. Eyland*, 8 Abb. N. C. 98

1585. (2 R. S. 317, § 68)

1880 *Chesterman v. Eyland*, 8 Abb. N. C. 98

ARTICLE III.

Action for Dower.

1880 *Fulton v. Fulton*, 8 Abb. N. C. 210

1884 *Aikman v. Harsell*, 31 Hun 636

1596. (1 R. S. 742, § 13)

1883 *Aikman v. Harsell*, 5 Civ. Pro. 93

1600. (1 R. S. 742, §§ 19, 20, 21) **Action for Dower.**

1884 *Witthaus v. Schack*, 31 Hun 574

1627. (Co. Pro. 136) **Action to foreclose a Mortgage.**

1878 *Moore v. Shaw*, 15 Hun 427 ; 1879, appeal dismissed, 77 N.Y. 513*

1881 *Dunning v. Leavitt*, 85 N.Y. 32

1883 *Vanderbilt v. Schreyer*, 91 N.Y. 396;* 12 Abb. N. C. 393; reversing 21 Hun 537

1628. (2 R. S. 191, § 153)

1883 *Vanderbilt v. Schreyer*, 12 Abb. N. C. 393; reversing 21 Hun 537

1884 *Bowen v. Mandeville*, 95 N.Y. 238

1630. (2 R. S. 191, § 156)

1884 *Bowen v. Mandeville*, 95 N.Y. 238

1632.

1884 *Kent v. Popham*, 6 Civ. Pro. 336

Wheeler v. Dunning, 33 Hun 207

182 REAL ACTIONS ; PROVISIONS.

1633. (2 R. S. 191, §§ 159, 160)

1881 *White v. Poillon*, 25 Hun 71

1637. (2 R. S. 191, §§ 165, 166)

1883 *Green v. Fry*, 93 N.Y. 356

1638. (2 R. S. 312, § 153) **Action to compel Determination of Claims.**

1877 *Chapman v. Rodgers*, 12 Hun 346

1883 *Stamm v. Bostwick*, 30 Hun 71; 65 How. Pr. 358

Wilson v. Kelly, 31 Hun 77

1884 *Lockman v. Reilly*, 95 N.Y. 66

1646. (2 R. S. 312, § 14)

1883 *Green v. Fry*, 93 N.Y. 256

1651. (2 R. S. 334, §§ 1, 2) **Action for Waste.**

1878 *Wade v. Malloy*, 16 Hun 229

1660. (Co. Pro. 454) **Action for a Nuisance.**

1879 *Dorr v. Danville G. L. Co.*, 18 Hun 276

Wenzlick v. McCotter, 87 N.Y. 123; 22 Hun 60

1662. (2 R. S. 322, § 7, Co. Pro. 454)

1884 *People v. Metrop. Tel'ne Co.*, 31 Hun 603

1669. (2 R. S. 338, § 4) **Other Real Actions.**

1883 *Kelly v. Sheehy*, 49 Super. 518

1670. (Co. Pro. 132) **Real Actions; General Provisions.**

1877 *Rusk v. Lange*, 10 Hun 303

1878 *Weeks v. Tomes*, 16 Hun 350

1881 *Kunz v. Bachman*, 1 Civ. Pro. 281; 61 How. Pr. 519

1882 *Smith v. Smith*, 26 Hun 577

Brainard v. White, 48 Super. 401; 12 Abb. N. C. 407

1671. (Co. Pro. 132)

1871 *Rodgers v. Bonner*, 45 N.Y. 386*

1879 *Fuller v. Scribner*, 76 N.Y. 192*

1882 *Weyh v. Boylan*, 62 How. Pr. 397; affirmed 63 Id. 72

1674. (Co. Pro. 132)

- 1879 *Little v. Rawson*, 8 Abb. N. C. 261, note

1676. (New)

- 1881 *Button v. Tibbitts*, 10 Abb. N. C. 41
1882 *Simms v. Voght*, 11 Abb. N. C. 48

1678. (2 R. S. 326, §§ 56, 57)

- 1882 *Valentine v. McCue*, 26 Hun 458
1881 *Wallace v. Feely*, 10 Daly 331; 1 Civ. Pro. 126

1686. (New)

- 1884 *Segelken v. Meyer*, 94 N.Y. 480*

1690. (2 R. S. 522, §§ 4, 5) **Action for a Chattel.**

- 1883 *Simpson v. St. John*, 93 N.Y. 364
N. Bk. v. Dunn, 63 How. Pr. 434; 4 Civ. Pro. 373

1691. (2 R. S. 522, § 62)

- 1880 *Chenango Bridge Co. v. Paige*, 83 N.Y. 178; reversing in part, 8 Hun 292

1692. (New)

- 1879 *Banfield v. Hueger*, 7 Abb. N. C. 318
Hudson v. Swan, 7 Abb. N. C. 324

1693. (New)

- 1882 *Acker v. Hauteman*, 27 Hun 48; 63 How. Pr. 280

1694. (Co. Pro. 208)

- 1883 *Bk. Oswego v. Dunn*, 4 Civ. Pro. 373

1695. (Co. Pro. 207)

- 1877 *Barnett v. Selling*, 3 Abb. N. C. 91
1878 *Troy & Lansingb'g R. R. Co. v. Kane*, 72 N.Y. 614*
Western R. R. Co. v. Bayne, 75 N.Y. 4*
1880 *L. S. & M. S. R. Co. v. Roach*, 80 N.Y. 343*
1881 *Bergen v. Patterson*, 24 Hun 253
1884 *Am. Tool Co. v. Smith*, 32 Hun 121
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1699. (Co. Pro. 200)

1884 *Irr v. Schroeder*, 6 Civ. Pro. 253

1702. (Co. Pro. 215)

1883 1st N. Bk. of Oswego *v. Dunn*, 29 Hun 532; 4 Civ. Pro. 378; 63 How. Pr. 280

1703. (Co. Pro. 210)

1883 1st N. Bk. of Oswego *v. Dunn*, 29 Hun 532; 4 Civ. Pro. 378

1704. (Co. Pro. 211)

1878 *Cook v. Horwitz*, 14 Hun 542

1880 *Cook v. Freudenthal*, 86 N.Y. 206*

1877 *Barnett v. Selling*, 3 Abb. N. C. 91

1706. (Co. Pro. 210, 211, 212)

1881 *Teschner v. Deveron*, 59 How. Pr. 467

1708. (Co. Pro. 423)

1884 *People ex rel. Field v. Pacific R.R. Co.*, 50 Super. 458

1709. (Co. Pro. 216)

1877 *Manning v. Keenan*, 9 Hun 686

1882 N. Bk. Oswego *v. Dunn*, 2 Civ. Pro. 259; 63 How. Pr. 434; 4 Civ. Pro. 378

1712. (New) (Co. Pro. 207)

1883 N. Bk. *v. Dunn*, 4 Civ. Pro. 378; 63 How. Pr. 434

1713-1719. (Co. Pro. 244)

1879 *In re Wilds*, 6 Abb. N. C. 310

1720. (New)

1883 *Morrison v. Lewis*, 49 Super. 179; 4 Civ. Pro. 437

1721. (2 R. S. 528, § 36)

1884 *Davenport Glucose M'g Co. v. Taussig*, 31 Hun 564; 5 Civ. Pro. 69

Chapin v. Merch'ts Bk. of Whitehall, 31 Hun 529

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1725. (New)

1881 *Knapp v. Schneider*, 10 Daly 219

1726. (Co. Pro. 261)

1877 *Philips v. Melville*, 10 Hun 213

1878 *Whitcomb v. Hoffman*, 14 Hun 335

1882 *Delin v. Stohl*, 2 Civ. Pro. 222

1729. (New)

1883 *Sanders v. Bartle*, 29 Hun 170

1730. (2 R. S. 532, § 61. Co. Pro. 277)

1877 *Philipps v. Melville*, 10 Hun 213

1879 *Hoffman v. Conners*, 76 N.Y. 122

1880 *Cook v. Freudenthal*, 80 N.Y. 207*

1877 *Barnett v. Selling*, 3 Abb. N. C. 91

1882 *Delin v. Stohl*, 2 Civ. Pro. 222

1731. (Co. Pro. 289)

1879 *Hoffman v. Conner*, 76 N.Y. 122

1736. (New)

1881 *Burnham v. Brennan*, 60 How. Pr. 310

1737. (L. 1869, ch. 738, § 1)

1884 *Carpenter v. Lott*, 31 Hun 349

1883 *Bowe v. U. S. Reflector Co.*, 4 Civ. Pro. 154

1738. (New)

1884 *Carpenter v. Lott*, 31 Hun 350

1739. (L. 1869, ch. 738, § 3)

1883 *Bowe v. U. S. Reflector Co.*, 4 Civ. Pro. 154

1741. (L. 1869, ch. 738, § 5)

1884 *Carpenter v. Lott*, 31 Hun 349

CHAPTER XV.

SPECIAL PROVISIONS REGULATING OTHER PARTICULAR
ACTIONS AND RIGHTS OF ACTION, AND ACTIONS
BY OR AGAINST PARTICULAR PARTIES.

- 1880 *Allen v. Allen*, 8 Abb. N. C. 175
 1881 *Peck v. Peck*, 8 Abb. N. C. 400
 1882 *Matter of Gates*, 26 Hun 181
 1883 *People ex rel. Fuller v. Carne*, 29 Hun 47

TITLE I.

MATRIMONIAL ACTIONS.

- 1884 *Erkenbrach v. Erkenbrach*, 96 N. Y. 546*

ARTICLE I.

Action to annul a void or voidable Marriage.

- 1880 Note to 8 Abb. N. C. 187
 1883 Note to 12 Abb. N. C. 388

1742. (L. 1841, ch. 257) **Matrimonial Actions.**

- 1880 *Allen v. Allen*, 8 Abb. N. C. 175

1743. (2 R. S. 142, § 20)

- 1879 *Kaiser v. Kaiser*, 16 Hun 603

1744. (2 R. S. 141, § 21)

- 1880 *Allen v. Allen*, 8 Abb. N. C. 175

1753. (Many Acts)

- 1883 10 Abb. N. C. 333, note

ARTICLE II.

Action for a Divorce.

- 1882 *Ramsden v. Ramsden*, 28 Hun 285

1756. (2 R. S. 144, § 38)

- 1882 *Ramsden v. Ramsden*, 28 Hun 285; 2 Civ. Pro. 416; 91 N.Y. 281; 28 Hun 285; 2 McC. 408; Id. 418

1757. (2 R. S. 144, §§ 39, 40, 41)

- 1883 *McCleary v. McCleary*, 30 Hun 156
Note to 12 Abb. N. C. 388
Streat v. Rothschild, 12 Abb. N. C. 389

1758. (2 R. S. 144, § 42)

- 1881 *Farace v. Farace*, 1 Civ. Pro. 419

1759. (2 R. S. 145, §§ 43, 45, 46)

- 1883 *Field v. Field*, 5 Civ. Pro. 34

1761. (2 R. S. 144, § 49)

- 1877 *Moore v. Moore*, 8 Abb. N. C. 171
1881 *Peck v. Peck*, 8 Abb. N. C. 400; 60 How. Pr. 206
1882 *Matter of Borrodale*, 28 Hun 336
1883 *Moore v. Hegeman*, 92 N.Y. 528

1762. (2 R. S. 146, §§ 50, 51)

- 1883 *Ramsden v. Ramsden*, 91 N.Y. 282;* 28 Hun 285; 2 McC. 408; id. 418; 2 Civ. Pro. 416
1884 *DeMeli v. De Meli*, 90 N.Y. 654; 5 Civ. Pro. 306
1883 *Appleby v. Appleby*, 2 McC. 422

1763. (2 R. S. 146, §§ 50, 51)

- 1882 *Ramsden v. Ramsden*, 28 Hun 287; 2 Civ. Pro. 416; 90 N.Y. 654
1883 *Streat v. Rothschild*, 12 Abb. N. C. 388
1884 *De Meli v. De Meli*, 5 Civ. Pro. 306; 90 N.Y. 654

1764. (2 R. S. 146, § 52)

- 1883 *Cornwell v. Cornwell*, 30 Hun 575

1765. (2 R. S. 146, § 53)

- 1880 *Doe v. Roe*, 23 Hun 19
Walker v. Walker, 8 Abb. N. C. 438
1883 *Spahn v. Spahn*, 12 Abb. N. C. 171
1884 *People v. Grimshaw*, 33 Hun 508

1766. (2 R. S. 146, §§ 54, 55)

- 1883 *Ramsden v. Ramsden*, 91 N.Y. 282;* 2 McC. 408; 28 Hun 285; 2 Civ. Pro. 416
 1884 *Erkenbrach v. Erkenbrach*, 96 N.Y. 466;* 5 Civ. Pro. 184

1768. (2 R. S. 147, § 57)

- 1878 *Hunt v. Hunt*, 72 N.Y. 217
 1879 *People v. Baker*, 76 N.Y. 78
 1884 *Beaumont v. Diecks*, 14 Abb. N. C. 100
Lee v. Lee, 66 How. Pr. 207; 4 Civ. Pro. 321

1769. (2 R. S. 147, § 58)

- 1880 *Park v. Park*, 80 N.Y. 160*
 1883 *Ramsden v. Ramsden*, 91 N.Y. 282
McQuien v. McQuien, 61 How. Pr. 280
 1882 *Ramsden v. Ramsden*, 28 Hun 286; 2 Civ. Pro. 416
 1880 *Freeman v. Freeman*, 8 Abb. N. C. 174
 1883 *Winton v. Winton*, 31 Hun 291
 1884 *O'Dea v. O'Dea*, 31 Hun 442
Ryckman v. Ryckman, 32 Hun 193
Erkenbrach v. Erkenbrach, 5 Civ. Pro. 184; 96 N.Y. 466*
 1883 *Winton v. Winton*, 12 Abb. N. C. 159
Lee v. Lee, 66 How. Pr. 207; 4 Civ. Pro. 321
Chase v. Chase, 65 How. Pr. 308
Louden v. Louden, 65 How. Pr. 411
 1884 *De Meli v. De Meli*, 5 Civ. Pro. 306
 1882 *Isaacs v. Isaacs*, 10 Daly 306; 61 How. Pr. 369

1770. (New)

- 1883 *Spahn v. Spahn*, 12 Abb. N. C. 169

1771. (2 R. S. 147, § 59)

- 1884 *Erkenbrach v. Erkenbrach*, 5 Civ. Pro. 184

1772. (2 R. S. 147, § 39)

- 1877 *Foster v. Townsend*, 68 N.Y. 203; S. C., 2 Abb. N. C. 29
 1879 *Donnelly v. West*, 17 Hun 566
Park v. Park, 18 Hun 468; appealed, 1880, 80 N.Y. 159*
 1877 *Donnelly v. Shaw*, 7 Abb. N. C. 264
 1880 *McQuien v. McQuien*, 61 How. Pr. 280
 1884 *Erkenbrach v. Erkenbrach*, 96 N.Y. 466*

- 1883 *Spahn v. Spahn*, 12 Abb. N. C. 169
Isaacs v. Isaacs, 10 Daly 306; 61 How. Pr. 369
 1884 *Ryer v. Ryer*, 33 Hun 117

1773. (New)

- 1880 *Park v. Park*, 80 N.Y. 159*
 1878 *Pitchard v. Pitchard*, 4 Abb. N. C. 298
 1880 *Allen v. Allen*, 8 Abb. N. C. 175
Strobridge v. Strobridge, 21 Hun 288
McQuien v. McQuien, 61 How. 280
 1882 *Isaacs v. Isaacs*, 10 Daly 306
 1884 *Brisbane v. Brisbane*, 5 Civ. Pro. 352
Ryer v. Ryer, 33 Hun 117

TITLE II.**ACTIONS RELATING TO A CORPORATION.**

- 1881 *People v. Cohocton Stone Road*, 25 Hun 15
 1880 *Note*, 9 Abb. N. C. 162

1775. (Many Acts) Actions relating to Corporation.

- 1881 *Irving N. Bk v. Corbett*, 10 Abb. N. C. 86
 1882 *Canandaigua Academy v. McKechnie*, 90 N.Y. 618
 1883 *Fox v. Erie Preserving Co.*, 93 N.Y. 55
Gorton St. Co. v. Spofford, 5 Civ. Pro. 116

1776. (2 R. S. 459, § 3)

- 1883 *Concordia S. & Aid Ass. v. Read*, 93 N.Y. 477; * 9 Daly 248, note
Plimpton v. Bigelow, 93 N.Y. 595
Bengston v. Thingvalla Steamship Co., 31 Hun 97; 3 Civ Pro. 263; 4 Civ. Pro. 260
 1880 *N. Y. Exch. Bk. v. Jones*, 9 Daly 248, note

1778. (2 R. S. 459, §§ 8, 9, 10)

- 1881 *McKee v. Metropolitan L. I. Co.*, 25 Hun 583
N. Y. Life I. Co. v. Union L. Ins. Co., 88 N.Y. 424
 1883 *Hutson v. Morissania Steamboat Co.*, 64 How. Pr. 268; 12 Abb. N. C. 278

- 1882 Schlegel v. Am'n Beer & Ale Bottling Co., 12 Abb. N. C. 280; 64 How. Pr. 196; 2 Civ. Pro. 393
 1884 Beaumont v. Diecks Pharmaceutical Extract Co., 14 Abb. N. C. 100; 5 Civ. Pro. 274
 1882 Bradley v. Albemarle Fertilizing Co., 2 Civ. Pro. 50

1779. (2 R. S. 459, §§ 1, 2)

- 1883 Plympton v. Bigelow, 93 N.Y. 594

ARTICLE II.

Judicial Supervision of a Corporation, and of the Officers and Members thereof.

- 1880 9 Abb. N. C. 163, note
 1882 Att'y G'l v. Atl. Mut. L. Ins. Co., 11 Abb. N. C. 139

1780. (Co. Pro. 427)

- 1880 Hibernia N. Bk. v. Mechanics' &c. Bk., 21 Hun 166, 174; aff'd 84 N.Y. 367*
 1881 Pope v. Terre Haute Car Man'g Co., 24 Hun 238; appealed, 1881, 87 N.Y. 139;* 60 How. Pr. 419; 63 How. Pr. 137
 Palmer v. Phoenix Mut. L. I. Co., 84 N.Y. 67*
 Hibernia N. Bk. v. Lacombe, 84 N.Y. 375
 1882 Erwin v. Oregon R'y & Nav. Co., 28 Hun 270
 Mech's Man'g Co. v. Grand Trunk R'y Co., 11 Abb. N. C. 184; reversed 1883, 12 Abb. N. C. 202, note
 1883 Brooks v. Mexican Construction Co., 49 Super. 237; 3 Civ. Pro. 36; 64 How. Pr. 364; 93 N.Y. 643*
 1884 Brooks v. Mexican Construction Co., 50 Super. 287
 1883 Brooks v. N.Y. & Greenwood Lake R. R. Co., 30 Hun 48
 Plympton v. Bigelow, 13 Abb. N. C. 173; reversing 11 Abb. N. C. 202, and aff'g 11 Id. 180; 93 N.Y. 592
 1884 Toronto, &c. Co. v. Chicago, &c. R. R. Co., 32 Hun 192
 1882 Pease v. Delaware, &c. Co., 10 Daly 460
 1883 Gorton Steamer Co. v. Spofford, 5 Civ. Pro. 116
 1884 Whitney v. N.Y. & Atl. R. R. Co., 5 Civ. Pro. 118
 Market N. Bk. v. P. N. Bk., 64 How. Pr. 1

1781. (2 R. S. 462, § 33)

- 1880 People v. Bruff, 9 Abb. N. C. 155
 Note, 9 Abb. N. C. 163

- Keeler v. Brooklyn El. R. R., 9 Abb. N. C. 179
 1882 Attorney-General v. Atl. Mut. L. I. Co., 11 Abb. N. C. 139
 1883 Beecher v. Schieffelin, 4 Civ. Pro. 230
 Paulsen v. Van Steenbergh, 65 How. Pr. 342

1782. (2 R. S. 462, § 25)

- 1880 People v. Bruff, 9 Abb. N. C. 155
 Note, 9 Abb. N. C. 163
 Keeler v. Brooklyn El. R. R., 9 Abb. N. C. 179
 1883 Langdon v. Fogg, 14 Abb. N. C. 435, note
 Beecher v. Schieffelin, 4 Civ. Pro. 230
 Paulsen v. Van Steenbergh, 65 How. Pr. 342

ARTICLE III.

Actions to procure the Dissolution of a Corporation, and Actions to enforce the individual Liability of the Officers or Members of a Corporation, with or without a Dissolution thereof.

- 1880 Note, 9 Abb. N. C. 162
 1882 Attorney-General v. Atl. Mut. L. I. Co., 11 Abb. N. C. 139
 1883 Smith v. Danzig, 3 Civ. Pro. 138

1784. (2 R. S. 463, § 36)

- 1881 Bliven v. Peru Steel & Iron Co., 9 Abb. N. C. 206, note
 1882 Rodburn v. Utica, Ithaca & Elmira R. R. Co., 23 Hun 370
 Note, 9 Abb. N. C. 163
 Attorney-General v. Atl. Mut. L. I. Co., 11 Abb. N. C. 139
 1884 Whitney v. N.Y. & Atl. R. R. Co., 32 Hun 171; 5 Civ.
 Pro. 118; 66 How. Pr. 436

1785. (2 R. S. 463, § 38)

- 1880 Kittredge v. Kellogg Bridge Co., 8 Abb. N. C. 168
 Note, 9 Abb. N. C. 164
 1881 Bliven v. Peru Steel & Iron Co., 9 Abb. N. C. 206, note
 People v. Manhattan Ry. Co., 9 Abb. N. C. 409

1786. (2 R. S. 463, § 40)

- 1880 Kittredge v. Kellogg Bridge Co., 8 Abb. N. C. 169
 1881 Bliven v. Peru Steel & Iron Co., 9 Abb. N. C. 206, note

1787. (2 R. S. 463, §§ 39, 40)

1880 Note, 9 Abb. N. C. 163

1788. (2 R. S. 463, §§ 41, 36)

1883 Smith v. Danzig, 3 Civ. Pro. 127

Eddy v. Co-operative Dress Ass., 3 Civ. Pro. 434, 442

Farnsworth v. Wood, 91 N.Y. 309

Kimball v. Ives, 30 Hun 569

1880 Note, 9 Abb. N. C. 163

1884 Whitney v. N. Y. & Atl. R. R. Co., 32 Hun 171; 66 How.
Pr. 436; 5 Civ. Pro. 118、 **1789.** (Many Acts)

1883 Smith v. Danzig, 3 Civ. Pro. 127

1790. (2 R. S. 463, § 43)

1880 9 Abb. N. C. 163, note

1791. (New)

1880 9 Abb. N. C. 163, note

1793. (2 R. S. 463, §§ 37, 48)

1883 Attorney General v. N. A. L. I. Co., 91 N.Y. 59

1884 Whitney v. N. Y. & Atl. R. R. Co., 32 Hun 171; 66 How.
Pr. 436; 5 Civ. Pro. 118

1883 Eddy v. Co-operative Dress Ass., 3 Civ. Pro. 434, 442

1795. (2 R. S. 463, § 50)

1882 Veeder v. Mudgett, 27 Hun 521; on appeal, 91 N.Y. 375

1796. (New)

1880 9 Abb. N. C. 163, note

ARTICLE IV.

Action by the People to annul a Corporation.

1882 Att'y Gen'l v. Atl. Mut. L. I. Co., 11 Abb. N. C. 139

1883 Streat v. Rothschild, 12 Abb. N. C. 389, note

1797. (Co. Pro. 429; 2 R. S. 579, § 13)

- 1880 9 Abb. N. C. 165
 1882 Att'y Gen'l v. Atl. Mut. L. I. Co., 11 Abb. N. C. 139, note
 People ex rel. Gould v. Mut. Un. Tel. Co., 2 McC. 295

1798. (Co. Pro. 430; 2 R. S. 583, § 39)

- 1880 9 Abb. N. C. 165, note
 1881 People v. Manhattan R'y Co., 9 Abb. N. C. 449
 People v. Cohocton Stone Road, 25 Hun 13
 1882 People v. Boston, Hoosac T. & H. R. R. Co., 27 Hun 529
 People ex rel. Gould v. Mut. Un. Tel. Co., 2 McC. 295

1799. (Co. Pro. 431; 2 R. S. 583, § 40)

- 1882 People v. Boston, Hoosac T. & W. R. R. Co., 27 Hun 529
 People ex rel. Gould v. Mut. Un. Tel. Co., 2 McC. 295

1800. (New)

- 1883 Streat v. Rothschild, 12 Abb. N. C. 389

1801. (Co. Pro. 442, 414, &c.)

- 1879 People v. Security L. I. Co., 7 Abb. N. C. 201
 1881 People v. Cohocton Stone Road, 25 Hun 15

1802. (Many Acts)

- 1880 Note 9 Abb. N. C. 165

1804. (2 R. S. 466, § 57)

- 1880 Note 9 Abb. N. C. 162

1805. (2 R. S. 466, §§ 51-55)

- 1882 Attorney General v. Atl. Mut. L. I. Co., 11 Abb. N. C.
 139

1806. (2 R. S. 466, § 56)

- 1880 Note, 9 Abb. N. C. 164
 1882 Attorney-General v. Atl. Mut. L. I. Co., 11 Abb. N. C. 139
 1883 Smith v. Danzig, 3 Civ. Pro. 127
 1884 Kingsley v. 1st N. Bk. of Bath, 31 Hun 338

1807. (2 R. S. 466, § 56)

- 1880 Note, 9 Abb. N. C. 164
 1882 Attorney-General v. Atl. Mut. L. I. Co., 11 Abb. N. C. 139
 1883 Attorney-General v. N. A. L. I. Co., 91 N.Y. 58
 Attorney-General v. N. A. L. I. Co., 93 N.Y. 389
 1884 Veeder v. Mudgett, 95 N.Y. 307

1808. (New; Co. Pro. 430)

- 1880 People v. Ruff, 9 Abb. N. C. 156; 60 How. Pr. 1
 Note, 9 Abb. N. C. 164

1809. (L. 1870, ch. 141, § 1)

- 1880 Note, 9 Abb. N. C. 164
 1882 Howlett v. N.Y., West Shore, &c. R. R. Co., 14 Abb. N. C. 328
 1884 Phoenix Foundry, &c. Co. v. N.Y. Construction Co., 6 Civ. Pro. 106, 113

1810. (L. 1870, ch. 151, § 3)

- 1880 People v. Bruff, 9 Abb. N. C. 156; 60 How. Pr. 1; Note
 9 Abb. N. C. 161
 1883 Smith v. Danzig, 3 Civ. Pro. 127
 1884 U. S. Trust Co. of N. Y. v. N.Y., W. Shore & Buff. R. R.
 Co., 6 Civ. Pro. 90
 Wilmore v. Flack, 6 Civ. Pro. 196
 Woerishoffer v. N. River Construction Co., 6 Civ. Pro.
 113
 In re Boynton, 6 Civ. Pro. 342
 1881 Attrill v. Rockaway Beach Imp. Co., 25 Hun 509

1811. (L. 1870, ch. 151, § 2)

- 1880 Note, 9 Abb. N. C. 164

1812. (L. 1870, ch. 151, § 5)

- 1883 Plimpton v. Bigelow, 93 N.Y. 394

1814. (New)

- 1883 Wetmore v. Power, 92 N.Y. 83*
 1884 Gray v. Ryle, 5 Civ. Pro. 387

1819. (2 R. S. 144, § 9) Actions relating to Decedent's Estates.

- 1832 *Kolzer v. Bennett*, 28 Hun 506
- 1883 *Drake v. Wilkie*, 30 Hun 541
- 1884 *Estate of Collins*, 6 Civ. Pro. 85

1824.

- 1884 *Peck v. Vandermark*, 33 Hun 219

1825. (2 R. S. 188, § 32)

- 1883 *Cook v. Ryan*, 29 Hun 250
- Hauselt v. Gano*, 1 Dem. 36
- Dickel v. Yates*, 2 Dem. 229
- Hagenmeyer v. Hanselman*, 2 Dem. 229
- Joel v. Ritterman*, 2 Dem. 242
- 1884 *Peck v. Vandermark*, 33 Hun 219
- Lichtenberg v. Herdtfelder*, 33 Hun 59

1826. (New; 2 R. S. 88, § 32)

- 1883 *Cook v. Ryan*, 29 Hun 250
- Peters v. Carr*, 2 Dem. 22
- Will of Yates*, 2 Dem. 229
- Joel v. Ritterman*, 2 Dem. 242
- 1884 *Lichtenberg v. Herdtfelder*, 33 Hun 59
- Peck v. Vandermark*, 33 Hun 219

1827. (2 R. S. 114, 115, §§ 10, 11)

- 1884 *Peyser v. Wendt*, 2 Dem. 227

1832. (2 R. S. 115, § 14)

- 1882 *Thorne v. Underhill*, 1 Dem. 306

1833. (2 R. S. 438, § 15)

- 1882 *Thorne v. Underhill*, 1 Dem. 306
- 1884 *Smith v. Collamer*, 2 Dem. 147

1834. (2 R. S. 115, § 16)

- 1882 *Thorne v. Underhill*, 1 Dem. 306

1835. (2 R. S. 90, § 41; Co. Pro. 317)

- 1882 *Daggett v. Mead*, 11 Abb. N. C. 117
- 1883 *Meltzer v. Doll*, 91 N. Y. 374*

196 JUDGMENT CREDITOR'S ACTION.

Horton v. Brown, 29 Hun 654

1884 *Miller v. Miller*, 32 Hun 481; 67 How. Pr. 135

Wilkinson v. Littlewood, 67 How. Pr. 474

1836. (2 R. S. 90, § 41)

1876 *Darling v. Halsey*, 2 Abb. N. C. 105

Pinkernelli v. Bischoff, 2 Abb. N. C. 107

1882 *Daggett v. Mead*, 11 Abb. N. C. 117

1883 *Meltzer v. Doll*, 91 N.Y. 374*

Horton v. Brown, 29 Hun 654

Cheesebro v. Hicks, 66 How. Pr. 194

1884 *Hynes v. Patterson*, 95 N.Y. 2

Miller v. Miller, 67 How. Pr. 135

Wilkinson v. Littlewood, 67 How. Pr. 434

Miller v. Miller, 32 Hun 481

1861. (2 R. S. 67, §§ 63a, 63b, 69a)

1882 *Younger v. Duffie*, 28 Hun 242; 1884, 94 N.Y. 537;* 5
Civ. Pro. 84

Hatch v. Sigman, 1 Dem. 519

1865. (2 R. S. 67, § 67b)

1863 *Harris v. Harris*, 26 N.Y. 433

Smith v. Wail, 4 Barb. 28

1879 *Sheridan v. Houghton*, 6 Abb. N. C. 234

1881 *Kerr v. Kerr*, 1 Dem. 519

Hatch v. Sigman, 1 Dem. 519

McNally v. Brown, 5 Redf. 372

Early v. Early, 5 Redf. 376

1884 *Estate of Colligan*, 5 Civ. Pro. 198

1884 *Colligan v. McKernan*, 2 Dem. 423, 426

1866. (L. 1853, ch. 238, § 1) Judgment Creditor's Action.

1884 *Tiers v. Tiers*, 32 Hun 186

1871. (2 R. S. 173, § 38) '

1883 *Royer Wheel Co. v. Fielding*, 31 Hun 275

1884 *Bowe v. Arnold*, 31 Hun 258

Lichtenberg v. Hertfelder, 5 Civ. Pro. 426; 33 Hun 59

1876. (2 R. S. 174, § 39)

1880 *Note*, 9 Abb. N. C. 164

1879. (Many Acts)

- 1877 *Williams v. Thorn*, 70 N.Y. 270
 1880 *Note*, 9 Abb. N. C. 163
 1882 *McEvoy v. Appleby*, 27 Hun 45

1886. (2 R. S. 476, §§ 19, 20) Official Bond.

- 1884 *People ex rel. Nash v. Faulkner*, 31 Hun 324

1897. (2 R. S. 480, § 7) Penalty.

- 1883 *Mayor, &c. v. Eisler*, 2 Civ. Pro. 125 ; 10 Daly 396
 1883 *Kee v. McSweeney*, 66 How. Pr. 447
United States v. Rose, 2 McC. 264

1902. (Many Acts)

- 1882 *Londrigan v. N. Y. & N. H. R. R. Co.*, 12 Abb. N. C. 273 ; 1883, 49 Super. 526 ; 5 Civ. Pro. 76
Stuebing v. Marshall, 2 Civ. Pro. 77
 1883 *Martin v. D. D. B. & B. R. R. Co.*, 92 N.Y. 71
 1884 *Hegerich v. Keddle*, 32 Hun 142 ; 5 Civ. Pro. 228
Thomas v. Utica, &c. R. R. Co., 6 Civ. Pro. 353

1903.

- 1884 *Thomas v. Utica, &c. R. R. Co.*, 6 Civ. Pro. 353

1904. (Many Acts) Action by Assignee.

- 1884 *Hegerich v. Keddle*, 32 Hun 142
Boyd v. N.Y. Central, &c. R. R. Co., 14 Abb. N. C. 496 ;
 6 Civ. Pro. 222

1909. (Co. Pro. 112, 111)

- 1881 *Greene v. Republic Fire Ins. Co.*, 84 N.Y. 575
 1883 *Carpenter v. Butler*, 29 Hun 250
Newburger v. Manneck Man'g Co., 10 Daly 275

1910. (Co. Pro. 112, 111)

- 1876 *Moody v. Libbey*, 1 Abb. N. C. 155

1912. (New) Action on a Judgment.

- 1883 *Carpenter v. Butler*, 29 Hun 253
 1880 *Dougherty v. Gardner*, 8 Abb. N. C. 224

198 ACTIONS BY ASSOCIATIONS.

1913. (Co. Pro. 71)

- 1880 Goodyear Vulcanite Co. v. Frisselle, 22 Hun 75
1881 Farish v. Austin, 25 Hun 431
1883 Carpenter v. Butler, 29 Hun 253
Baldwin v. Roberts, 31 Hun 164
Springsteene v. Gillett, 30 Hun 265

1915. (New)

- 1883 Matter of Stockbridge, 10 Daly 33

TITLE V.

OTHER ACTIONS BY OR AGAINST PARTICULAR PARTIES.

ARTICLE I.

Actions by or against an unincorporated Association.

- 1878 Note on Voluntary Associations, 4 Abb. N. C. 300

1919. (Many Acts) Actions by or against Associations.

- 1878 N. Bk. v. Van Derwerker, 74 N.Y. 234
1877 Samuels v. Ev'g Mail, 9 Hun 294 ; reversed, 1878, Ib. 75
N.Y. 604
1878 McGuffin v. Dinsmore, 4 Abb. N. C. 241
Ebbinghausen v. Worth Club, 4 Abb. N. C. 300
Poultney v. Bachman, 10 Abb. N. C. 252 ; 62 How. 466
Park v. Simmons, 10 Hun 128
1881 Flagg v. Swift, 25 Hun 624
1884 Hathaway v. Am. Mining Stock Co., 31 Hun 576
Wayne Co. S. Bk. v. Brackett, 31 Hun 435
Duncan v. Jones, 32 Hun 13
Van Arnam v. McCune, 32 Hun 317
Winter v. Hamm, 5 Civ. Pro. 194

1920. (L. 1849, ch. 258, § 2)

- 1884 Duncan v. Jones, 32 Hun 13

1921. (L. 1849, ch. 248, §§ 3, 1)

- 1884 Duncan v. Jones, 32 Hun 13

ARTICLE II.

Actions by or against certain County, Town and Municipal Officers.

1883 *Farnham v. Benedict*, 29 Hun 45

1925. (L. 1872, ch. 161, § 1)

1879 *People v. Montgomery Co. Supervisors*, 67 N.Y. 109

1882 *Hills v. Peekskill S. Bk.*, 26 Hun 164

Sherman v. Trustees of Clifton Springs, 27 Hun 392

1884 *Bird v. Mayor*, 33 Hun 397

1926. (2 R. S. 473, § 92) *Action by or against Officers.*

1881 *Victory v. Blood*, 25 Hun 517

Sutherland v. Carr, 85 N.Y. 108

1883 *Bridges v. Sullivan Co.*, 92 N.Y. 575*

Farnham v. Benedict, 29 Hun 44

1884 *Surdam v. Fuller*, 31 Hun 512

1927. (2 R. S. 473, § 98)

1884 *Surdam v. Fuller*, 31 Hun 500, 512

1930. (2 R. S. 473, §§ 100, 101)

1883 *Farnham v. Benedict*, 29 Hun 45

1884 *Hitchman v. Baxter*, 5 Civ. Pro. 226

1931. (2 R. S. 473, §§ 108, 107)

1883 *People ex rel. Everett v. Board Supervisors*, 93 N.Y. 403;*
aff'd, 1883, 29 Hun 185

1884 *Hitchman v. Baxter*, 5 Civ. Pro. 226

ARTICLE III.

Actions and Rights of Action against and between Joint Debtors.

1878 *Freeman v. Barrowcliffe*, 44 Super. 318

1932. (Co. Pro. 136, sub. 1) *Joint Debtors.*

1879 *Orr v. McEwen*, 16 Hun 626

Organ v. Wall, 19 Hun 197

- 1883 *Candee v. Smith*, 93 N.Y. 350
 1878 *Freeman v. Barrowcliffe*, 44 Super. 318
 1883 *Garrison v. Garrison*, 67 How. 271
 Whitmore v. James, 10 Daly 492
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1933. (Many Acts)

- 1879 *Organ v. Wall*, 19 Hun 186
 1883 *Richardson v. Case*, 3 Civ. Pro. 295
 Whitman v. James, 10 Daly 490

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- 1883 *Whitman v. James*, 10 Daly 492
 Farnham v. Benedict, 29 Hun 44

1937. (1 Co. Pro. 379)

- 1878 *Freeman v. Barrowcliffe*, 44 Super. 318
 Mech's Bk. v. Waitzfelder, 14 Hun 48
 Maples v. Mackey, 15 Hun 535; appealed 1882, 89 N.Y.
 151;* 22 Hun 228
 Decker v. Kitchen, 26 Hun 173
 1883 *Morey v. Tracey*, 92 N.Y. 580*
 People ex rel. Everett v. B'd of Supervisors, 93 N.Y. 400

1938. (Co. Pro. 378)

- 1879 *Organ v. Wall*, 19 Hun 185
 1882 *Decker v. Kitchen*, 26 Hun 174
 1878 *Freeman v. Barrowcliffe*, 44 Super. 318

1939. (Co. Pro. 379)

- 1878 *Freeman v. Barrowcliffe*, 44 Super. 317
 1879 *Organ v. Wall*, 19 Hun 186
 1882 *Maples v. Mackey*, 89 N.Y. 151*
 1883 *People ex rel. Everett v. B'd of Supervisors*, 93 N.Y. 400
 Richardson v. Case, 3 Civ. Pro. 295

1940. (New)

- 1883 *Morey v. Tracey*, 92 N.Y. 582

1941. (Co. Pro. 380)

- 1878 *Freeman v. Barrowcliffe*, 44 Super. 320
 1882 *Decker v. Kitchen*, 26 Hun 174
 1883 *Morey v. Tracey*, 92 N.Y. 582

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1942. (L. 1833, ch. 257, §§ 1, 5, &c.)

- 1843 *Bank of Poughkeepsie v. Ibbotson*, 5 Hill 461
Hoffman v. Dunlap, 1 Barb. 185
1861 Cornell v. Masten, 32 Barb. 157
1839 Couch v. Mills, 21 Wend. 424
1865 Matthews v. Chicopee Mg. Co., 3 Robt. 711
1877 Morgan v. Smith, 70 N.Y. 537; aff'g in part 7 Hun 244
1881 Honegger v. Wettstein, 47 Super. Ct. (J. & S.) 125

1946. (Co. Pro. 136, sub. 4)

- 1882 Decker v. Kitchen, 26 Hun 174; 2 Civ. Pro. 111
1883 Candee v. Smith, 93 N.Y. 350

1947. (New)

- 1883 Winter v. Eckert, 93 N.Y. 360
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CHAPTER XVI.

ACTIONS IN BEHALF OF THE PEOPLE, AND SPECIAL PROCEEDINGS INSTITUTED IN THEIR BEHALF, BY STATE WRIT.

- 1881 *People v. Cohocton Stone Road*, 25 Hun 16
1832 *Matter of Gates*, 26 Hun 181
1883 *People ex rel. Fuller v. Carney*, 29 Hun 47

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- 1881 *People v. Cohocton Stone Road*, 25 Hun 15

ARTICLE I.

Action against the Usurper of an Office or Franchise.

- 1883 12 Abb. N. C. 389, note.

202 ACTIONS IN BEHALF OF THE PEOPLE.

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- 1878 People ex rel. Faile *v.* Ferris, 16 Hun 221
- 1880 People ex rel. Dailey *v.* Livingston, 80 N.Y. 68
- 1882 Morris *v.* Whelan, 11 Abb. N. C. 67; 64 How. Pr. 109
People *v.* Boston, Hoosac T. & W. R. Co., 27 Hun 528
- 1883 People *v.* Gunn, 30 Hun 323

1948. sub. 3. (Co. Pro. 432)

- 1878 City of Buffalo *v.* Mackay, 15 Hun 207
- 1880 People ex rel. Hatzel *v.* Hall, 80 N.Y. 119
- 1880 People *v.* Cohocton Stone Road, 25 Hun 16
- 1882 People *v.* Boston, Hoosac T. & W. R. Co., 27 Hun 529
- 1884 People *v.* Gunn, 30 A. L. J. 108
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1949. (Co. Pro. 435, 436, &c.)

- 1880 People ex rel. Dailey *v.* Livingston, 80 N.Y. 68
Note, 9 Abb. N. C. 166
- 1882 Morris *v.* Whelan, 11 Abb. N. C. 68
- 1884 Reis *v.* Rhodes, 6 Civ. Pro. 406

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- 1883 Streat *v.* Rothschild, 12 Abb. N. C. 389, note

1951. (Co. Pro. 437, &c.)

- 1880 People ex rel. Dailey *v.* Livingston, 80 N.Y. 68

1952. (Co. Pro. 438, &c.)

- 1881 People ex rel. Dailey *v.* Livingston, 80 N.Y. 68

1953. (Co. Pro. 439, and 2 R. S. 548, §§ 34-38)

- 1883 People ex rel. Swinburne *v.* Nolan, 30 Hun 486 (section amended in consequence); 65 How. Pr. 463; 1884, 32 Hun 613
- 1884 People ex rel. Deane *v.* Supervisors of Greene, 14 Abb. N. C. 31

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- 1880 Note, 9 Abb. N. C. 166

1955. (2 R. S. 462, §§ 31, 32)

- 1880 Note, 9 Abb. N. C. 166

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1956. (Co. Pro. 441, &c.)

- 1880 People ex rel. Dailey v. Livingston, 80 N.Y. 68
1883 People ex rel. Swinburne v. Nolan, 30 Hun 484; 65 How.
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1884 Reis v. Rhodes, 6 Civ. Pro. 406

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- 1883 Streat v. Rothschild, 12 Abb. N. C. 389, note

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- 1883 Streat v. Rothschild, 12 Abb. N. C. 389, note

1962. (Co. Pro. 447, &c.)

- 1883 United States v. Rose, 2 McC. 264

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- 1883 United States v. Rose, 2 McC. 264

1969. (L. 1875, ch. 49, § 1)

- 1881 People v. N.Y. & M'n Beach R'y Co., 84 N.Y. 566

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- 1878 People v. Albany & N. Y. R. R. Co., 15 Hun 128
1880 People ex rel. Dailey v. Livingston, 80 N.Y. 68
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1881 Duryee v. Botsford, 24 Hun 318

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- 1880 Note, 9 Abb. N. C. 166
1882 Morris v. Whelan, 11 Abb. N. C. 68

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- 1880 People ex rel. Dailey v. Livingston, 80 N.Y. 68
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1882 People ex rel. Gould v. Mutual Un. Tel. Co., 2 McC. 293

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- 1881 People v. Cohocton Stone Road, 25 Hun 13
1882 People ex rel. Benedict v. Dennison, 28 Hun 330

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1880 Note, 9 Abb. N. C. 165

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1882 People ex rel. Adams v. Westbrook, 89 N.Y. 152

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1883 Matter of Leary, 30 Hun 394

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1884 People ex rel. Herkimer & Mohawk R. R. Co. v. Assessors
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1883 Matter of Leary, 30 Hun 394

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1884 People ex rel. Hoyle v. Osborne, 6 Civ. Pro. 299

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1882 People ex rel. v. Baker, 89 N.Y. 463

1883 People ex rel. Sherwin v. Mead, 92 N.Y. 417

1884 People ex rel. Devoe v. Kelley, 32 Hun 537

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1882 Clarke v. Clarke, 64 How Pr. 7

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1884 People ex rel. Hoyle v. Osborne, 6 Civ. Pro. 297

2031. (2 R. S. 563, §§ 38, 39)

1881 People ex rel. Fries v. Riley, 25 Hun 589

2032. (2 R. S. 563, § 40)

- 1881 *People v. Lincoln*, 25 Hun 307
 1882 *People ex rel. Baker*, 89 N.Y. 462

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- 1883 *People ex rel. Sherwin v. Mead*, 92 N.Y. 417
 1884 *People ex rel. McDonald v. Keeler*, 32 Hun 594

2033. (2 R. S. 563, § 41)

- 1881 *People ex rel. Utley v. Seaton*, 25 Hun 305
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2034. (2 R. S. 563, § 42)

- 1881 *People v. Lincoln*, 25 Hun 307
People ex rel. Fries v. Riley, 25 Hun 590
 1884 *People ex rel. Devoe v. Kelley*, 32 Hun 537

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- 1882 *Sherwin v. Mead*, 64 How. Pr. 252

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- 1882 *Sherwin v. Mead*, 64 How. Pr. 252

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- 1881 *People ex rel. Society v. Gilmore*, 26 Hun 3

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- 1881 *People ex rel. Society v. Gilmore*, 26 Hun 3

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- 1881 *People ex rel. Society v. Gilmore*, 26 Hun 3

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- 1881 *People ex rel. Society v. Gilmore*, 26 Hun 3

2058. (2 R. S. 563, § 69)

- 1884 *Matter of Lawson*, 96 N.Y. 281; * rev'g 81 Hun 539

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- 1882 *People ex rel. Sherwin v. Mead*, 64 How. Pr. 252

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1882 *People ex rel. Sanderson v. Canvassers of Greene Co.*, 12
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1883 *Fiester v. Shepard*, 92 N.Y. 251

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1884 *Clark v. Davenport*, 95 N.Y. 481

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2121. (New)

- 1884 People ex rel. Village of North Tarrytown *v.* Cobb, 14 Abb. N. C. 495

2122. (New)

- 1880 People ex rel. Nichols *v.* Cooper, 21 Hun 517, 527
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 1882 People ex rel. Benedict *v.* Dennison, 28 Hun 329
 1884 People ex rel. Village of North Tarrytown *v.* Cobb, 14 Abb. N. C. 495

2125. (New)

- 1880 People ex rel. Smith *v.* Cooper, 22 Hun 515
 1881 People ex rel. Stevens *v.* Police Com'rs, 24 Hun 285

2126. (New)

- 1880 People ex rel. Smith *v.* Cooper, 22 Hun 515
 1881 People ex rel. Stevens *v.* Police Com'rs, 24 Hun 285

2128. (New)

- 1881 Matter of Lynch and Burns, 9 Abb. N. C. 69
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2129. (New)

- 1881 People ex rel. Ulster & Del. R. R. Co. *v.* Burhans, 25 Hun 188
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 1884 People ex rel. 2nd Ave. R. R. Co. *v.* Pub. Works, 31 A. L. J. 14
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- 1881 People ex rel. N. Y. El'd R. R. Co. *v.* B'd of Aldermen of N. Y., 10 Abb. N. C. 34
 1884 People ex rel. Burhans *v.* Superv'rs Ulster Co., 32 Hun 611

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- 1879 People ex rel. Mayor, &c. *v.* Nichols, 18 Hun 537
 1881 People ex rel. McCarthy *v.* French, 25 Hun 112; 10 Abb. N. C. 421

- 1880 People ex rel. Nichols *v.* Cooper, 21 Hun 317, 527
- 1881 People ex rel. U. & D. R. R. Co. *v.* Smith, 24 Hun 66
- 1884 People ex rel. Cashman *v.* Hedden, 32 Hun 301

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- 1881 People ex rel. Fitzsimmons *v.* Jourdan, 1 Civ. Pro. 328
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- 1881 People ex rel. Schlosser *v.* Porter, 25 Hun 602
- 1883 People ex rel. Minzer *v.* Hair, 29 Hun 126
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- 1884 People ex rel. Keech *v.* Thompson, 94 N.Y. 458
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- 1881 People ex rel. Schlosser *v.* Porter, 25 Hun 602
- 1884 People ex rel. Emmett *v.* Campbell, 50 Super. 91

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- 1882 People ex rel. Woodford *v.* Strevell, 27 Hun 218
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- 1884 People ex rel. Burhans *v.* Supervisors, 32 Hun 611

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- 1881 People ex rel. N. Y. El'd R. R. Co. *v.* B'd of Aldermen,
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2148. (New)

- 1881 People ex rel. Schlosser *v.* Porter, 25 Hun 602
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- 1882 Matter of Gates, 26 Hun 181
- 1883 People ex rel. Fuller *v.* Carney, 29 Hun 47

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- 1883 *Matter of White*, 12 Abb. N. C. 348

2233. (2 R. S. 507, §§ 1, 2)

- 1881 *Kelly v. Sheehy*, 60 How. Pr. 439
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2234. (Many Acts)

- 1882 *People ex rel. Cavanagh v. McAdam*, 23 Hun 285; 64 How.
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- 1881 *Chadwick v. Spargur*, 1 Civ. Pro. 422
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2238. (2 R. S. 512, § 30)

- 1882 *People ex rel. Cavanagh v. McAdam*, 28 Hun 284; 2 Civ.
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2261. (2 R. S. 512, § 47)

- 1881 Knox *v.* McDonald, 25 Hun 270
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2262. (2 R. S. 512, § 52)

- 1881 Knox *v.* McDonald, 25 Hun 270
1882 Van Schaick *v.* Koster, 2 McC. 239
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1881 Schenck *v.* Prame, 63 How. Pr. 165
1883 Broadwell *v.* Holcombe, 65 How. Pr. 502; 4 Civ. Pro. 159

2263. (2 R. S. 572, §§ 48, 49)

- 1881 Knox *v.* McDonald, 25 Hun 271
1883 Broadwell *v.* Holcombe, 4 Civ. Pro. 159

2265. (2 R. S. 512, § 47)

- 1881 *Knox v. McDonald*, 25 Hun 270
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- 1882 *Koster v. Van Schaick*, 64 How. Pr. 100; 2 Civ. Pro. 386
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- 1882 *Van Schaick v. Koster*, 2 McC. 239
- 1881 *Jessurun v. Mackie*, 24 Hun 624; 61 How. 261
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- 1883 *Hills v. Peekskill S. Bk.*, 30 Hun 547

2266. (2 R. S. 538, §§ 20, 21) **Contempt of Court.**

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- 1880 *Park v. Park*, 80 N.Y. 159
- 1881 *Gardiner v. Gardiner*, 87 N.Y. 16
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- 1882 *Matter of an Attorney*, 87 N.Y. 523
- 1884 *Ryckman v. Ryckman*, 32 Hun 193
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- 1884 *Naylor v. Naylor*, 32 Hun 229

2268. (2 R. S. 535, § 4)

- 1878 *Clark v. Bininger*, 75 N.Y. 349*
- 1880 *Park v. Park*, 80 N.Y. 159
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- 1882 *Isaacs v. Isaacs*, 10 Daly 306; 61 How. Pr. 369
- 1884 *Ryckman v. Ryckman*, 32 Hun 193

2269. (2 R. S. 535, § 5)

- 1878 *Clark v. Bininger*, 75 N.Y. 350*
- 1880 *Park v. Park*, 80 N.Y. 161*

- 1881 *Gardiner v. Gardiner*, 87 N.Y. 16
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 1882 *Matter of H., an Attorney*, 87 N.Y. 523
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- 1884 *Naylor v. Naylor*, 32 Hun 229

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- 1878 *Clark v. Bininger*, 75 N.Y. 351,* 349*
 1881 *Gardiner v. Gardiner*, 87 N.Y. 16
 1882 *Matter of H., an Attorney*, 87 N.Y. 524*
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- 1881 *Gardiner v. Gardiner*, 87 N.Y. 16
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2284. (2 R. S. 535, §§ 21, 22)

- 1878 *Clark v. Bininger*, 75 N.Y. 352*
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2285. (2 R. S. 535, §§ 23, 24, 25)

- 1883 *Eagan v. Lynch*, 49 Super. 456, 544; 3 Civ. Pro. 236
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- 1882 Matter of Beckwith, 87 N.Y. 507*

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- 1882 Matter of Laurent, 11 Abb. N. C. 121
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- 1882 Matter of Demelt, 27 Hun 481
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- 1883 Estate of Halsey, 93 N.Y. 51
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- 1883 *Matter of Church*, 64 How. Pr. 393
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- 1882 *Matter of Demelt*, 27 Hun 482

2336. (New)

- 1883 *Estate of Halsey*, 93 N.Y. 50
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- 1878 *Matter of Valentine*, 3 Abb. N. C. 285

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- 1877 *In re Price*, 67 N.Y. 231
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- 1882 *Cutter v. Cutter*, 48 Super. 473
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2366. (2 R. S. 541, § 1)

- 1882 *Cutter v. Cutter*, 48 Super. 473
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1884 *Poole v. Johnson*, 32 Hun 217; 5 Civ. Pro. 279

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- 1884 *Bocock v. Cochran*, 32 Hun 521

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- 1881 *Matter of Hamilton*, 10 Abb. N. C. 79

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- 1883 *Matter of Pyrolusite Manganese Co.*, 29 Hun 430; 3 Civ.
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 1880 *Note*, 9 Abb. N. C. 165
 1881 *Bliven v. Penn. Steel & Iron Co.*, 9 Abb. N. C. 206, note

2419. (2 R. S. 467, § 58)

- 1883 *Matter of Pyrolusite Manganese Co.*, 29 Hun 430; 3 Civ.
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 1884 *In re Boynton Co.*, 6 Civ. Pro. 342

2420. (L. 1876, ch. 442, § 1)

- 1883 *Matter of Pyrolusite Manganese Co.*, 29 Hun 430; 3 Civ.
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2421. (2 R. S. 467, § 59)

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2423. (2 R. S. 467, § 61)

1883 Matter of Pyrolusite Manganese Co., 29 Hun 430; 3 Civ. Pro. 270

2425. (New)

1883 Matter of Pyrolusite Manganese Co., 29 Hun 431; 3 Civ. Pro. 270

2426. (2 R. S. 467, § 65)

1883 Matter of Pyrolusite Manganese Co., 29 Hun 431; 3 Civ. Pro. 270

2429. (2 R. S. 467, § 65. See Act 1883, ch. 378) Voluntary Dissolution of Corporation.

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2431. (2 R. S. 467, § 91)

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1881 Bean v. Tonnele, 24 Hun 314; 1 Civ. Pro. 33

2432. (New in form) Supplementary Proceedings.

1881 Baldwin v. Perry, 25 Hun 73

1883 Felt v. Dórr, 29 Hun 16

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2433. (New)

- 1881 *Chamberlain v. Gallup*, 25 Hun 318
1884 *Fiske v. Twigg*, 50 Super. 70; 5 Civ. Pro. 41
1881 *Baldwin v. Perry*, 1 Civ. Pro. 39, note
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2434. (Co. Pro. 292)

- 1880 *Pardee v. Tilton*, 20 Hun 78
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2435. (Co. Pro. 292)

- 1881 *Schrauth v. Dry Dock S. Bk.*, 86 N.Y. 391
1883 *Cromwell v. Spofford*, 4 Civ. Pro. 273
1884 *Seligman v. Wallach*, 6 Civ. Pro. 232

2436. (Co. Pro. 292)

- 1878 *1st N. Bk of Rome v. Wilson*, 13 Hun 232
1883 *Mankin v. Pape*, 65 How. Pr. 453
1884 *Seligman v. Wallach*, 6 Civ. Pro. 232

2437. (Co. Pro. 292)

- 1876 *Rohshand v. Waring*, 1 Abb. N. C. 311
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2441. (Co. Pro. 294)

- 1881 *Schrauth v. Dry Dock Savings Bk Co.*, 86 N.Y. 391
1876 *People ex rel. Day v. Jones*, 1 Abb. N. C. 172
1877 *Whitney v. Welch*, 2 Abb. N. C. 442
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- Wright v. Cabot*, 47 Super. Ct. 229
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2446. (New)

- 1883 *Albright v. Kempton*, 4 Civ. Pro. 16

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- 1876 *Grassmuck v. Richards*, 2 Abb. N. C. 350
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1883 *Hancock v. Sears*, 93 N.Y. 81; 4 Civ. Pro. 255; rev'g 29 Hun 96
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2448. (Co. Pro. 293)

- 1879 *Brown v. Kuhn*, 17 Hun 599

2451. (Co. Pro. 298, 299, &c.)

- 1883 *Hancock v. Sears*, 93 N.Y. 80;* 4 Civ. Pro. 255; rev'g 29 Hun 98

2455. (Co. Pro. 301)

- 1883 *Hancock v. Sears*, 93 N.Y. 81;* 4 Civ. Pro. 255; rev'g 29 Hun 96
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2456. (Co. Pro. 301)

- 1883 *Hancock v. Sears*, 93 N.Y. 81;* 4 Civ. Pro. 255; rev'g 29 Hun 96
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2457. (Co. Pro. 302)

- 1883 *Perkins v. Kendall*, 3 Civ. Pro. 240
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2458. Co. Pro. 292)

- 1876 *Anvay v. Davids*, 9 Hun 296
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1880 *Wolf v. Jordan*, 22 Hun 108
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2460. (Co. Pro. 292)

- 1880 *Loomis v. People*, 19 Hun 605

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1882 *Dusenbury v. Dusenbury*, 48 Super. 206; 63 How. 349

2463. (New)

1879 *Dickinson v. Onderdonck*, 18 Hun 480

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1882 *McEvoy v. Appleby*, 27 Hun 45

1877 *Williams v. Thorn*, 70 N.Y. 270

1883 *Hancock v. Sears*, 93 N.Y. 81; * rev'g 29 Hun 98; 4 Civ.
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1878 *Dubois v. Cassidy*, 75 N.Y. 299

1882 *Goddard v. Stiles*, 90 N.Y. 203

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1881 *Bunn v. Daly*, 24 Hun 526

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2465. (Co. Pro. 298)

1882 *Goddard v. Stiles*, 90 N.Y. 203

2466. (Co. Pro. 298)

1882 *Goddard v. Stiles*, 90 N.Y. 203

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2467. (Co. Pro. 298)

1878 *Dubois v. Cassidy*, 75 N.Y. 300*

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- 1878 Dubois *v.* Cassidy, 75 N.Y. 302*
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- 1878 Dubois *v.* Cassidy, 75 N.Y. 301*

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- 1882 Matter of Ross, 87 N.Y. 516*
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2472. (2 R. S. 220, § 1) Jurisdiction and Authority.

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- 1879 *Bearns v. Gould*, 77 N.Y. 457*
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- 1881 *Heilman v. Jones*, 5 Redf. 398

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- 1881 *Matter of Dey Ermond*, 24 Hun 4
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- 1884 People *ex rel.* Oakley *v.* Petty, 32 Hun 445
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2486. (Many Acts) **Disability, &c. of Surrogate.**

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2487. (Many Acts)

- 1884 People *ex rel.* Oakley *v.* Petty, 32 Hun 445

2490. (Many Acts)

- 1884 Matter of Chauncey, 32 Hun 430

2494. (Many Acts)

- 1884 Matter of Chauncey, 32 Hun 430

2496. (Many Acts)

- 1883 Will of Hancock, 91 N.Y. 287
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- 1884 Moran *v.* Hawley, 2 Dem. 396

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- 1882 Hurlburt *v.* Durant, 88 N.Y. 127;* 2 Civ. Pro. 115
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2516. (New)

- 1881 *Estate of Spreen*, 1 Civ. Pro. 375
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2517. (New) **Service of Process.**

- 1883 *Drake v. Wilkie*, 30 Hun 543
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2518. (New)

- 1881 *Estate of Thompson*, 1 Civ. Pro. 264

2520. (Many Acts)

- 1882 *Boerum v. Betts*, 1 Dem. 471
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- 1884 In re Macaulay, 94 N.Y. 578*
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- 1884 In re Macaulay, 94 N.Y. 578*

2525. (Many Acts)

- 1884 In re Macaulay, 94 N.Y. 574

527. (New ; L. 1872, ch. 693) **Service of Process. Appearance.**

- 1883 Estate of Hewitt, 4 Civ. Pro. 57 ; 65 How. Pr. 187
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2528. (L. 1870, ch. 359, § 2)

- 1881 Estate of Barnes, 1 Civ. Pro. 59
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2530. (Many Acts)

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2531. (Many Acts)

- 1880 Matter of Ludlow, 5 Redf. 391

2533. (New)

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2534. (New)

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2536. (L. 1874, ch. 437, § 1)

- 1884 In re Macaulay, 94 N.Y. 578*

2537. (New)

- 1882 Zahrt's Estate, 11 Abb. N. C. 225 ; aff'd 94 N.Y. 605 ; 1
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2546. (L. 1870, ch. 359, § 6) Reference. Jury Trial.

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2550. (New) Decrees and Orders.

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1883 *Matter of Dissosway*, 91 N.Y. 237*

2552. (2 R. S. 116, § 21)

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2553. (L. 1837, ch. 460, § 63)

- 1883 *Dissosway v. Hayward*, 1 Dem. 175; 91 N. Y. 235
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2554. (L. 1837, ch. 460, § 64) **Enforcing Decrees and Orders.**

- 1883 *Matter of Dissosway*, 91 N. Y. 237*
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- 1883 *Matter of Dissosway*, 91 N. Y. 238*
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2557. (2 R. S. 223, § 10) **Costs in Surrogates' Courts.**

- 1877 *Noyes v. Children's Aid Society*, 3 Abb. N. C. 36
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2559. (New)

- 1883 *Estate of Hewitt*, 4 Civ. Pro. 57

2560. (New)

- 1883 *Estate of Hewitt*, 4 Civ. Pro. 57; 65 How. Pr. 187; 1
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2561. (New)

- 1878 *Betts v. Betts*, 4 Abb. N. C. 431
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2565. (L. 1837, ch. 225)

- 1883 *Estate of Hewitt*, 65 How. Pr. 187; 4 Civ. Pro. 57; 1 Dem.
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2566. (2 R. S. 59, § 19)

- 1883 Estate of Hewitt, 4 Civ. Pro. 57; 65 How. Pr. 187; 1 Dem. 249

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- 1882 Matter of Gates, 26 Hun 181

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- 1884 Matter of Wandell, 32 Hun 550

2570. (2 R. S. 609, § 104)

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2573. (New)

- 1883 Matter of Dunn, 1 Dem. 294

2576. (New)

- 1882 Matter of Ross, 87 N.Y. 515
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2577. (2 R. S. 666, § 56)

- 1883 Sudlow v. Pinckney, 1 Dem. 158
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- 1882 Du Bois v. Brown, 1 Dem. 317

2580. (New)

1882 *Du Bois v. Brown*, 1 Dem. 317

2585. (New)

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2586. (New)

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2587. (New)

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2588. (2 R. S. 66, §§ 57, 53)

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2589. (2 R. S. 608, § 96)

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- 1881 Estate of Weeks, 1 Civ. Pro. 164
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- 1881 Peck v. Sherwood, 5 Redf. 416
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- 1882 Boyle v. St. John, 28 Hun 455
1881 Spencer v. Popham, 5 Redf. 425

2606. (New)

- 1880 Popham v. Spencer, 4 Redf. 399; 1881, 5 Redf. 416
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2607. (L. 1837, ch. 460, § 65)

- 1881 Lafferty v. Lafferty, 5 Redf. 326
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2608. (2 R. S. 85, § 21)

- 1882 Boyle *v.* St. John, 28 Hun 455
 1883 Scofield *v.* Adriance, 1 Dem. 196
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2609. (New)

- 1882 Boyle *v.* St. John, 28 Hun 455
 1883 Estate of Scofield, 3 Civ. Pro. 323
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2611. (L. 1876, ch. 118, §§ 1, 2)

- 1884 Estate of Bogert, 4 Civ. Pro. 441
 Younger *v.* Duffie, 5 Civ. Pro. 84; 95 N.Y. 535; 28 Hun 242
 Estate of Bogert, 6 Civ. Pro. 128

2614. (L. 1837, ch. 460, § 4) **Probate of a Will.**

- 1884 Crossman *v.* Crossman, 95 N.Y. 151; 5 Civ. Pro. 204
 1883 Crossman *v.* Crossman, 2 Dem. 77, 80 n.
 1884 Matter of Watson, 2 Dem. 648, 649
 1882 Dyer *v.* Erving, 2 Dem. 163

2615. (L. 1876, ch. 118, § 5)

- 1882 Dyer *v.* Erving, 2 Dem. 160
 1884 In re Powers, 6 Civ. Pro. 326

2617. (New)

- 1884 Will of Smith, 95 N.Y. 526*
 1881 Lafferty *v.* Lafferty, 5 Redf. 326
 1882 Staples *v.* Hoffman, 1 Dem. 63
 Carpenter *v.* Hist. Soc'y, 1 Dem. 606
 Dyer *v.* Erving, 2 Dem. 160
 1883 Hamersly *v.* Lockman, 2 Dem. 524
 Cadmus *v.* Oakley, 2 Dem. 305
 1884 Wolfe *v.* Lynch, 2 Dem. 619

2618. (Many Acts)

- 1880 People *v.* Globe Mut. L. I. Co., 60 How. Pr. 5
 1881 Estate of Masters, 1 Civ. Pro. 459
 1884 Estate of Bogert, 4 Civ. Pro. 441; *aff'd* 6 Civ. Pro. 128
 Conselyea *v.* Walker, 2 Dem. 117
 1883 Graber *v.* Haaz, 2 Dem. 216

- 1884 *Hoyt v. Jackson*, 2 Dem. 443, 450
Conselyea v. Walker, 2 Dem. 123

2619. (Many Acts)

- 1881 *Estate of Masters*, 1 Civ. Pro. 459
 1883 *Graber v. Haaz*, 2 Dem. 216

2620. (L. 1837, ch. 460, § 20)

- 1881 *Estate of Masters*, 1 Civ. Pro. 459
 1884 *Will of Cottrell*, 95 N.Y. 333; 5 Civ. Pro. 340
Estate of Wright, 67 How. Pr. 117
 1883 *Graber v. Haaz*, 2 Dem. 216
 1884 *Rolla v. Wright*, 2 Dem. 482

2621. (Many Acts)

- 1882 *McNally v. Brown*, 5 Redf. 372
 1883 *Hatch v. Sigman*, 1 Dem. 519
 1883 *Estate of Colligan*, 5 Civ. Pro. 198
 1884 *Colligan v. McKernan*, 2 Dem. 423, 426

2622. (L. 1837, ch. 460, § 17)

- 1882 *Hyatt v. Lunnin*, 1 Dem. 14
 1884 *Hoyt v. Jackson*, 2 Dem. 456

2623. (2 R. S. 58, § 14)

- 1884 *Estate of Bogert*, 4 Civ. Pro. 441
Estate of Bogert, 6 Civ. Pro. 128

2624. (L. 1870, ch. 359, § 11)

- 1882 *Wager v. Wager*, 89 N.Y. 162
Effray v. Foundling Asylum, 5 Redf. 557
 1883 *McClure v. Woolley*, 1 Dem. 574
 1883 *Hagenmeyer's Will*, 12 Abb. N. C. 432
Tiers v. Tiers, 2 Dem. 209

2626. (2 R. S. 61, § 29)

- 1884 *Will of Gouraud*, 95 N.Y. 261*

2627. (New)

- 1884 *Will of Gouraud*, 95 N.Y. 261*

2634. (L. 1846, ch. 182, §§ 3, 4)1880 Marx *v.* McGlynn, 4 Redf. 455**2635.** (2 R. S. 66, § 54) **Letters Testamentary.**1884 Crossman *v.* Crossman, 95 N.Y. 146; 5 Civ. Pro. 204**2636.** (Many Acts)

1881 Estate of Demarest, 1 Civ. Pro. 302

Estate of Vernon, 1 Civ. Pro. 304, note

2637. (2 R. S. 70, § 6)1882 Martin *v.* Duke, 5 Redf. 597

1881 Estate of Demarest, 1 Civ. Pro. 302

Estate of Vernon, 1 Civ. Pro. 304, note

2638. (2 R. S. 70, § 6)1882 Martin *v.* Duke, 5 Redf. 597Hovey *v.* McLean, 1 Dem. 3961881 Ballard *v.* Charlesworth, 1 Dem. 501

1881 Estate of Sohn, 1 Civ. Pro. 373

Estate of Vernon, 1 Civ. Pro. 304

Estate of Demarest, 1 Civ. Pro. 302

2643. (2 R. S. 59, §§ 14, 17) **Administrator with Will annexed.**1882 Fowler *v.* Walter, 1 Dem. 240

Matter of Allen, 2 Dem. 203

1883 Estate of Batchelor, 1 Dem. 209; 64 How. Pr. 350

2644. (2 R. S. 59, § 35)1882 Fowler *v.* Walter, 1 Dem. 240

1883 Matter of Batchelor, 64 How. Pr. 358; 1 Dem. 209

2645. (2 R. S. 70, § 42)1847 Holmes *v.* Cock, 2 Barb. Ch. 426

1851 Ex parte Brown, 2 Bradf. 22

1881 Sutton *v.* Weeks, 5 Redf. 350

Estate of Weeks, 1 Civ. Pro. 164

ARTICLE II.

Revocation of Probate.

1882 *Matter of McGowan*, 28 Hun 247

2647. (2 R. S. 61, §§ 30, 31) **Revocation of Probate.**

1882 *Matter of Becker*, 28 Hun 211; 5 Redf. 488

1881 *Heilman v. Jones*, 5 Redf. 398

1883 *Pryor v. Clapp*, 1 Dem. 387

1884 *Crossman v. Crossman*, 95 N.Y. 148;* 3 Civ. Pro. 65

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Hoyt v. Jackson, 2 Dem. 443

Matter of Watson, 2 Dem. 648

2648. (New)

1882 *Matter of Becker*, 28 Hun 211

Becker v. Bochus, 5 Redf. 488

1883 *Will of Hancock*, 91 N.Y. 286

1884 *Will of Gouraud*, 95 N.Y. 262*

Fountain v. Carter, 2 Dem. 315

2649. (2 R. S. 61, § 32)

1883 *Matter of Hoyt*, 31 Hun 177; 1 Dem. 553

1884 *Will of Gouraud*, 95 N.Y. 262*

Fountain v. Carter, 2 Dem. 316

2650. (2 R. S. 61, § 33)

1882 *Estate of Reigelman*, 2 Civ. Pro. 98

1883 *Bray v. Smith*, 1 Dem. 168

1882 *Matter of McGowan*, 28 Hun 247

1883 *Matter of Hoyt*, 31 Hun 177; 1 Dem. 553

1884 *Will of Gouraud*, 95 N.Y. 262*

2651. (2 R. S. 61, §§ 14, 36)

1884 *Crossman v. Crossman*, 95 N. Y. 147

2652. (2 R. S. 61, § 35)

1882 *Matter of Becker*, 28 Hun 211; 5 Redf. 488

1884 *Crossman v. Crossman*, 95 N.Y. 148*

233 TEMPORARY ADMINISTRATION.

2660. (New) Letters of Administration.

- 1882 Administrators of Curser, 89 N.Y. 402
- 1883 Martin v. D. D. E. B. & B. R. R. Co., 92 N.Y. 71
- 1880 Popham v. Spencer, 4 Redf. 399
- 1884 Tymon v. Cromwell, 2 Dem. 652
- Moorhouse v. Hutchinson, 2 Dem. 432, 433

2661. (2 R. S. 74, § 26)

- 1883 Matter of Demmert, 5 Redf. 299
- 1884 Moorhouse v. Hutchinson, 2 Dem. 429, 432, 433

2662. (New)

- 1882 Administrator of Curser, 89 N.Y. 402; * 2 Civ. Pro. 411
- 1880 Matter of Mace, 4 Redf. 325

2666. (New)

- 1882 Administrators of Curser; 89 N.Y. 402

2667. (2 R. S. 77, § 42)

- 1883 Martin v. D. D. E. B. & B. R. R. Co., 92 N.Y. 71
- 1882 Sutton v. Weeks, 5 Redf. 353
- 1882 Matter of Malloy, 1 Dem. 421; 2 Civ. Pro. 15

2668. (Many Acts) Temporary Administration.

- 1884 Matter of Chase, 32 Hun 319
- 1882 Tooker v. Bell, 1 Dem. 52
- Cornwell v. Cornwell, 1 Dem. 1

2669. (L. 1864, ch. 71, § 11)

- 1884 Matter of Chase, 32 Hun 319

2672. (New, &c.)

- 1883 Matter of Hoyt, 31 Hun 180; 1 Dem. 553
- 1881 Spencer v. Popham, 5 Redf. 425
- 1883 Matter of Halsey, 13 Abb. N. C. 353
- Stokes v. Dale, 1 Dem. 260
- 1883 Estate of Fricke, 4 Civ. Pro. 177
- Estate of Stokes, 3 Civ. Pro. 584; 1 Dem. 260
- 1882 Estate of Riegelman, 2 Civ. Pro. 98
- 1884 Cornwell v. Riker, 2 Dem. 364
- 1883 Kruse v. Fricke, 2 Dem. 265
- Hoes v. Halsey, 2 Dem. 580

2674. (L. 1870, ch. 359, § 10)

1882 *Matter of Flandrow*, 28 Hun 283

2683. (New)

1883 *Berdell v. Schell*, 2 Dem. 292

2685. (2 R. S. 78, § 18) **Revocation of Letters.**

1883 *Drexell v. Berney*, 1 Dem. 163

Hassey v. Keller, 1 Dem. 577

1881 *Estate of Sohn*, 1 Civ. Pro. 378

1883 *Estate of Berney*, 3 Civ. Pro. 122

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1884 *Grubb v. Hamilton*, 2 Dem. 414

1883 *Hood v. Hood*, 2 Dem. 583

1884 *Moorhouse v. Hutchinson*, 2 Dem. 431

2686. (New)

1884 *Moorhouse v. Hutchinson*, 2 Dem. 432, 433

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2687. (2 R. S. 578, §§ 20, 21)

1881 *Estate of Sohn*, 1 Civ. Pro. 373

1884 *Ledwith v. Union Trust Co.*, 2 Dem. 442

2688. (New)

1884 *Laytin v. Davidson*, 95 N.Y. 264

1882 *In re Roosevelt*, 5 Redf. 601

2692. (2 R. S. 578, § 44; L. 1857, ch. 460, § 33)

1882 *Boyle v. St. John*, 28 Hun 455

2693. (L. 1846, ch. 288, § 33)

1880 *Popham v. Spencer*, 4 Redf. 399

2694. (New)

1882 *Estate of Langbein*, 2 Civ. Pro. 226; 1 Dem. 448

2695. (2 R. S. 67, § 68a) **Ancillary Letters.**

1881 *Estate of Thompson*, 1 Civ. Pro. 264

Estate of Winnington, 1 Civ. Pro. 267

- 1883 *Brown v. Landon*, 30 Hun 58; 4 Civ. Pro. 11
- 1880 *Matter of Taintor*, 5 Redf. 79
- 1881 *Matter of Hudson*, 5 Redf. 333
- 1882 *Moyer v. Weil*, 1 Dem. 71
- 1882 *Matter of Langbein*, 1 Dem. 448; 2 Civ. Pro. 226
- 1883 *Estate of Ladd*, 5 Civ. Pro. 50
- 1884 *Estate of Ladd*, 5 Civ. Pro. 50
- 1884 *Hendrickson v. Ladd*, 2 Dem. 402

2696. (2 R. S. 75, § 81)

- 1883 *Brown v. Landon*, 30 Hun 58; 4 Civ. Pro. 11
- 1878 *Matter of Jones*, 3 Redf. 257
- 1881 *Weed v. Waterbury*, 5 Redf. 114

2697. (L. 1863, ch. 403, § 1)

- 1881 *Estate of Thompson*, 1 Civ. Pro. 264
- Estate of Wise*, 2 Civ. Pro. 230
- 1883 *Brown v. Landon*, 30 Hun 58; 4 Civ. Pro. 11
- Estate of Batchelor*, 2 McC. 291

2698. (L. 1863, ch. 403, §§ 2, 3)

- 1881 *Estate of Thompson*, 1 Civ. Pro. 264
- Estate of Winnington*, 1 Civ. Pro. 267
- 1883 *Estate of Batchelor*, 2 McC. 291
- 1884 *Hendrickson v. Ladd*, 2 Dem. 407, 408

2699. (L. 1863, ch. 403, § 1)

- 1883 *Estate of Batchelor*, 2 McC. 291
- 1883 *Evans v. Schoonmaker*, 2 Dem. 249

2702. (New)

- 1883 *Brown v. Landon*, 30 Hun 60; 4 Civ. Pro. 11
- 1884 *Estate of Ladd*, 5 Civ. Pro. 50
- 1884 *Hendrickson v. Ladd*, 2 Dem. 403

2703. (L. 1864, ch. 311)

- 1882 *Matter of Langbein*, 2 Dem. 448; 2 Civ. Pro. 226
- 1881 *Estate of Shearer*, 1 Civ. Pro. 455

2704. (New)

- 1881 *Estate of Shearer*, 1 Civ. Pro. 455
- Estate of Winnington*, 1 Civ. Pro. 267

2705. (New)

- 1880 Matter of Hudson, 5 Redf. 333
 1881 Estate of Winnington, 1 Civ. Pro. 267
 1882 Estate of Shearer, 1 Civ. Pro. 455

ARTICLE I.

Aid, Supervision, and Control, of an Executor or Administrator.

- 1881 Estate of Curry, 25 Hun 321; 1 Civ. Pro. 319

2706. (L. 1870, ch. 394, § 1)

- 1881 Estate of Curry, 25 Hun 321; 1 Civ. Pro. 319
 1883 Metropolitan Trust Co. v. Rogers, 1 Dem. 365
 1881 Estate of Spreen, 1 Civ. Pro. 375
 1883 Mead v. Sommers, 2 Dem. 296
 1884 Mauran v. Hawley, 2 Dem. 396
 Renk v. Herrman Lodge, 2 Dem. 409

2707. (New) Aiding an Executor, &c.

- 1881 Matter of Curry, 25 Hun 321; 1 Civ. Pro. 319

2708. (L. 1870, ch. 394, §§ 1, 3)

- 1881 Matter of Curry, 25 Hun 321; 1 Civ. Pro. 319
 1884 Mauran v. Hawley, 2 Dem. 396

2709. (L. 1870, ch. 394, § 2)

- 1881 Matter of Curry, 25 Hun 321; 1 Civ. Pro. 319

2710. (L. 1870, ch. 394, §§ 4, 3)

- 1881 Metropolitan Trust Co. v. Rogers, 1 Dem. 365
 Matter of Curry, 25 Hun 321; 1 Civ. Pro. 319

2711. (New)

- 1881 Matter of Curry, 25 Hun 321; 1 Civ. Pro. 319

2712. (L. 1870, ch. 394, § 5)

- 1881 Estate of Curry, 25 Hun 322; 1 Civ. Pro. 319

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2713. (L. 1870, ch. 394, § 6)

1881 *Estate of Curry*, 25 Hun 322 ; 1 Civ. Pro. 319

2714. (L. 1870, ch. 394, § 5)

1881 *Estate of Curry*, 35 Hun 322 ; 1 Civ. Pro. 319

2715. (2 R. S. 85, §§ 17, 18)

1862 *Forsyth v. Burr*, 37 Barb. 540

1849 *Thomson v. Thomson*, 1 Bradf. 24

1880 *Matter of McIntyre*, 4 Redf. 489

1881 *Greenhough v. Greenhough*, 5 Redf. 191

1881 *Estate of Barnes*, 1 Civ. Pro. 59

1884 *Creamer v. Waller*, 2 Dem. 351

2716. (2 R. S. 85, § 22)

1881 *Greenhough v. Greenhough*, 5 Redf. 191

2717. (2 R. S. 116, § 18) **Controlling an Executor, &c.**

1882 *Hurlburt v. Durant*, 88 N.Y. 124 ;* 2 Civ. Pro. 115

Matter of Macaulay, 27 Hun 579 ; aff'd 1884, 94 N.Y. 574

Matter of McGowan, 28 Hun 249

Charlick's Estate, 11 Abb. N. C. 56

Wood v. Crooke, 5 Redf. 381

Mumford v. Coddington, 1 Dem. 27

Riegelmann v. McCoy, 1 Dem. 86

1883 *Fiester v. Shephard*, 92 N.Y. 255*

Drake v. Wilkie, 30 Hun 543

Matter of Lloyd, 31 Hun 178 ; 1 Dem. 553

1880 *McKeown v. Fagan*, 4 Redf. 320

Baylis v. Swartwout, 4 Redf. 395

1882 *Estate of Riegelmann*, 2 Civ. Pro. 98

1883 *Estate of McKiernan*, 4 Civ. Pro. 218

1882 *Thompson v. Mott*, 1 Dem. 32

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1883 *Atkinson v. Striker*, 2 Dem. 261

Neaves v. Neaves, 2 Dem. 231

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1884 *Hodge v. Leaming*, 2 Dem. 555

Cuthbert v. Jacobson, 2 Dem. 135

Wright v. Beirne, 2 Dem. 540

2718. (New)

- 1882 *Hurlburt v. Durant*, 88 N.Y. 124; * 2 Civ. Pro. 115
Matter of Macaulay, 27 Hun 578; aff'd 1884, 94 N.Y. 578*
Matter of McGowan, 28 Hun 249
Charlick's Estate, 11 Abb. N. C. 56
Wood v. Crooke, 5 Redf. 384
- 1881 *Steinele v. Oechsler*, 5 Redf. 312
- 1883 *Fiestier v. Shephard*, 92 N.Y. 255
Matter of Hoyt, 31 Hun 179; 1 Dem. 553
- 1880 *McKeown v. Fagan*, 4 Redf. 320
Baylis v. Swartwout, 4 Redf. 320
- 1882 *Thompson v. Mott*, 1 Dem. 32
- 1883 *Hoyt v. Jackson*, 1 Dem. 553
- 1882 *Estate of Riegelmann*, 2 Civ. Pro. 98; 1 Dem. 86
- 1883 *Estate of McKiernan*, 4 Civ. Pro. 218
- 1882 *Smith v. Murray*, 1 Dem. 34
- *Mumford v. Coddington*, 1 Dem. 27
- 1884 *Cuthbert v. Jacobson*, 2 Dem. 124, 135
- 1883 *Peyser v. Wendt*, 2 Dem. 221
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2719. (2 R. S. 98, §§ 82, 83)

- 1882 *Matter of McGowan*, 28 Hun 247
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- 1883 *Estate of Halsey*, 93 N.Y. 52
Matter of Hoyt, 31 Hun 179; 1 Dem. 553
- 1881 *Tuttle v. Heiderman*, 5 Redf. 119
- 1882 *Estate of Riegelman*, 2 Civ. Pro. 98; 1 Dem. 86
Hurlbut v. Durant, 88 N.Y. 124; 2 Civ. Pro. 115
Hoyt v. Jackson, 1 Dem. 553
- 1884 *Peyser v. Wendt*, 2 Dem. 221

2720. (Many Acts)

- 1882 *Estate of Hood*, 90 N.Y. 513

2722. (New)

- 1882 *Riggs v. Cragg*, 11 Abb. N. C. 402, note
Matter of Roosevelt, 5 Redf. 601

2723. (Many Acts)

- 1882 *Matter of Macaulay*, 27 Hun 579; aff'd 1884, 94 N.Y. 574*
- 1880 *Baylis v. Swartwout*, 4 Redf. 395
- 1881 *Matter of Miles*, 5 Redf. 110

- 1883 *Ficster v. Shephard*, 92 N.Y. 252
 1884 *Estate of Collins*, 6 Civ. Pro. 85
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 1883 *Peters v. Carr*, 2 Dem. 22

2724. (Many Acts) Accounting.

- 1881 *Matter of Miles*, 5 Redf. 110
 1882 *Hurlburt v. Durant*, 2 Civ. Pro. 115; 88 N.Y. 121
 1884 *Cuthbert v. Jacobson*, 2 Dem. 184

2726. (Many Acts)

- 1882 *Hurlburt v. Durant*, 88 N.Y. 124;* 2 Civ. Pro. 115
 Estate of Hood, 90 N.Y. 513
 1881 *Matter of Cowing*, 26 Hun 216
 Campbell v. Purdy, 5 Redf. 434
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 1883 *Drake v. Wilkie*, 30 Hun 543
 1884 *In re Macaulay*, 94 N.Y. 575; aff'd 1882, 27 Hun 579
 People ex rel. Oakley v. Petty, 32 Hun 445
 1882 *Edwards v. Edwards*, 1 Dem. 132
 1883 *Schlegel v. Winckel*, 2 Dem. 232

2727. (2 R. S. 92, § 53)

- 1881 *Matter of Cowing*, 26 Hun 216
 1880 *Baylis v. Swartwout*, 4 Redf. 395
 1882 *Matter of Laurent*, 11 Abb. N. C. 120
 1883 *Schlegel v. Winckel*, 2 Dem. 232

2728. (2 R. S. 92, § 60)

- 1880 *Baylis v. Swartwout*, 4 Redf. 395
 1881 *Campbell v. Purdy*, 5 Redf. 434

2729. (2 R. S. 92, §§ 60, 70)

- 1880 *McKeown v. Fagan*, 4 Redf. 320
 1881 *Spencer v. Popham*, 5 Redf. 425
 In re Harris, 1 Civ. Pro. 162
 1883 *Schlegel v. Winckel*, 2 Dem. 232

2731. (2 R. S. 92, § 63)

- 1882 *Martine's Estate*, 11 Abb. N. C. 51
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 1883 *Estate of Halsey*, 93 N.Y. 52

- 1881 *Le Count v. Le Count*, 1 Dem. 31
- 1883 *Gibbons v. Shepard*, 2 Dem. 248
- 1884 *In re Hughes*, 95 N.Y. 57

2732. (2 R. S. 92, § 69)

- 1881 *Spencer v. Popham*, 5 Redf. 425

2734. (2 R. S. 92, §§ 55, 54)

- 1882 *Tickel v. Quinn*, 1 Dem. 425
- 1883 *Estate of McCarter*, 94 N.Y. 561

2735. (2 R. S. 92, § 54)

- 1881 *Wood v. Crooke*, 5 Redf. 381
- 1882 *Geer v. Ransom*, 5 Redf. 578
- 1883 *Duffy v. Smith*, 1 Dem. 202
- 1884 *Candler v. Candler*, 2 Dem. 124
- Cuthbert v. Jacobson*, 2 Dem. 137

2736. (2 R. S. 116, § 58)

- 1881 *Meeker v. Crawford*, 5 Redf. 450
- 1882 *Matter of Roosevelt*, 5 Redf. 601
- 1882 *Hurlburt v. Durant*, 88 N.Y. 127;* 2 Civ. Pro. 115
- 1884 *Laytin v. Davidson*, 95 N.Y. 264
- 1883 *Estate of Slosson*, 4 Civ. Pro. 280
- 1882 *Hall v. Campbell*, 1 Dem. 415
- 1883 *Slosson v. Naylor*, 2 Dem. 257
- Waters v. Faber*, 2 Dem. 290
- 1884 *Matter of Starr*, 2 Dem. 144

2737. (2 R. S. 92, § 59)

- 1881 *Secor v. Sentis*, 5 Redf. 570
- 1882 *Matter of Roosevelt*, 5 Redf. 601
- Arthur v. Nelson*, 1 Dem. 337

2739. (2 R. S. 88, § 33, &c.)

- 1883 *Snyder v. Snyder*, 30 Hun 190; 4 Civ. Pro. 267, 370; 96 N.Y. 93*
- 1882 *Moyer v. Weil*, 1 Dem. 71
- 1883 *Fraenznick v. Miller*, 1 Dem. 136
- Bauer v. Kastner*, 1 Dem. 136
- 1883 *Snyder v. Snyder*, 30 Hun 186; rev'd 1884, 96 N.Y. 88;* 5 Civ. Pro. 267
- 1883 *Estate of Brown*, 1 Dem. 136; 3 Civ. Pro. 39

- 1884 *Matter of Potter*, 32 Hun 601
Snyder v. Snyder, 5 Civ. Pro. 267;* 96 N.Y. 88*

2740. (L. 1868, ch. 594)

- 1883 *Snyder v. Snyder*, 30 Hun 190; 4 Civ. Pro. 370; reversed 5 Civ. Pro. 267;* 96 N.Y. 88*

2741. (2 R. S. 93, § 56)

- 1874 *Schuttleworth v. Winter*, 55 N.Y. 624
 1878 *Trustees Harvard College v. Quinn*, 3 Redf. 514
 1882 *Thorne v. Underhill*, 1 Dem. 306

2742. (2 R. S. 92, § 65)

- 1882 *Estate of Hood*, 90 N.Y. 514
Martine's Est., 11 Abb. N. C. 53
 1883 *Fiestier v. Shephard*, 92 N.Y. 252

2743. (2 R. S. 92, § 71)

- 1882 *Martine's Estate*, 11 Abb. N. C. 53
Giles' Estate, 11 Abb. N. C. 60
Riggs v. Cragg, 11 Abb. N. C. 402
 1881 *Duncan v. Guest*, 5 Redf. 440
 1883 *Matter of Verplanck*, 91 N.Y. 450*
 1880 *McKeown v. Fagan*, 4 Redf. 320
 1882 *Greene v. Day*, 1 Dem. 45
Giles v. De Talleyrand, 1 Dem. 97
 1883 *Fraenznick v. Miller*, 1 Dem. 136
 1882 *Du Bois v. Brown*, 1 Dem. 317
 1883 *Estate of Orser*, 4 Civ. Pro. 129
In re Brown, 3 Civ. Pro. 39; 1 Dem. 136; 65 How. Pr. 387
In re Bauer, 3 Civ. Pro. 39
 1884 *Estate of York*, 6 Civ. Pro. 245
 1883 *St. John v. McKee*, 2 Dem. 241
Gibbons v. Sheppard, 2 Dem. 247
 1884 *Tilden v. Dows*, 2 Dem. 493, 489
 1883 *Peyser v. Wendt*, 2 Dem. 223

2745. (2 R. S. 93, § 74)

- 1881 *Duncan v. Guest*, 5 Redf. 440

2746. (2 R. S. 93, § 80)

- 1884 *Matter of Moody*, 2 Dem. 624

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2748. (2 R. S. 93, § 81)

1882 *Matter of Roosevelt*, 5 Redf. 601

TITLE V.

DISPOSITION OF THE DECEDENT'S REAL PROPERTY, FOR THE PAYMENT
OF DEBTS AND FUNERAL EXPENSES; DISTRIBUTION OF THE PROCEEDS.

1881 *Haines v. Herrick*, 9 Abb. N. C. 379, note

2749. (2 R. S. 111, § 66, &c.) **Sale of Real Property.**

1883 *Estate of Ladd*, 5 Civ. Pro. 50

1884 *Smith v. Meakim*, 2 Dem. 133

2750. (2 R. S. 100, § 1, &c.)

1881 *U. S. Life Ins. Co. v. Jourdan*, 5 Redf. 207

1884 *Mead v. Jenkins*, 95 N.Y. 33

Estate of Le Baron, 6 Civ. Pro. 62

2752. (2 R. S. 100, § 2)

1883 *Dennis v. Jones*, 1 Dem. 80

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2754. (L. 1837, ch. 460, § 41)

1883 *Kemmerer v. Ziegler*, 1 Dem. 177

2755. (2 R. S. 100, §§ 8, 10)

1882 *People ex rel. Adams v. Westbrook*, 61 How. Pr. 138; 89
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1883 *Kemmerer v. Ziegler*, 1 Dem. 177

2756. (L. 1837, ch. 460, § 72)

1882 *People ex rel. Adams v. Westbrook*, 61 How. Pr. 138; 89
N.Y. 153

1883 *Estate of Fox*, 92 N.Y. 97*

2757. (New)

1882 *People ex rel. Adams v. Westbrook*, 89 N.Y. 153 ; dis-
missing appeal, 1881, 61 How. Pr. 138

1883 *Estate of Fox*, 92 N.Y. 97

1884 *Estate of Meakim*, 5 Civ. Pro. 421

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2758. (2 R. S. 100, § 13)

- 1882 *People ex rel. Adams v. Westbrook*, 89 N.Y. 153; dismissing appeal, 1881, 61 How. 138
1884 *Application of Haxton*, 33 Hun 364

2759. (2 R. S. 100, §§ 14, 41)

- 1879 *Bridge v. Swain*, 3 Redf. 487
1883 *Dennis v. Jones*, 1 Dem. 80

2761. (2 R. S. 100, §§ 18, 19)

- 1882 *Matter of Dolan*, 88 N.Y. 315
People ex rel. Adams v. Westbrook, 89 N.Y. 153; dismissing appeal, 1881, 61 How. Pr. 138
1884 *Kenyon v. Talbot*, 2 Dem. 551

2765. (New)

- 1884 *Kenyon v. Talbot*, 2 Dem. 551

2766. 2 R. S. 100, §§ 21, 22)

- 1884 *Kenyon v. Talbot*, 2 Dem. 551

2767. (2 R. S. 100, §§ 23, 24)

- 1884 *Kenyon v. Talbot*, 2 Dem. 551

2775. (2 R. S. 100, § 29)

- 1884 *Wolfe v. Lynch*, 2 Dem. 616

2776. (2 R. S. 100, §§ 30, 31)

- 1884 *Wolfe v. Lynch*, 2 Dem. 616

2786. (2 R. S. 105, §§ 33, 35)

- 1883 *Will of Hancock*, 91 N.Y. 285
1881 *White v. Poillon*, 25 Hun 69

2787. (2 R. S. 100, §§ 35, 40)

- 1884 *Kenyon v. Talbot*, 2 Dem. 549, 552

2788. (2 R. S. 100, §§ 41, 42)

- 1882 *People ex rel. Adams v. Westbrook*, 89 N.Y. 153; dismissing appeal, 1881, 61 How. Pr. 138
1884 *Kenyon v. Talbot*, 2 Dem. 549, 552
Application of Haxton, 33 Hun 364

2792. (New)

- 1884 *Stevens v. Miller*, 2 Dem. 600

2793. (Many Acts)

- 1884 *Estate of Zahrt*, 94 N.Y. 607*
Estate of Meakim, 5 Civ. Pro. 421
 1882 *Zahrt's Estate*, 11 Abb. N. C. 226; 2 Civ. Pro. 272
Zahrt v. Zahrt, 1 Dem. 444
 1884 *Stevens v. Miller*, 2 Dem. 600

2796. (L. 1850, ch. 150, §§ 1, 2)

- 1884 *Estate of Zahrt*, 94 N.Y. 608*
 1882 *Zahrt v. Zahrt*, 1 Dem. 444
Zahrt's Estate, 11 Abb. N. C. 226; 2 Civ. Pro. 272

2798. (L. 1867, ch. 658, § 1, amended)

- 1883 *Will of Hancock*, 91 N.Y. 286
 1881 *White v. Poillon*, 25 Hun 69

2799. (L. 1867, ch. 658, § 2, amended)

- 1883 *Will of Hancock*, 91 N.Y. 286
 1880 *Matter of Solomon*, 4 Redf. 509
 1882 *Zahrt's Estate*, 11 Abb. N. C. 225; 2 Civ. Pro. 272
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 1884 *Estate of Zahrt*, 94 N.Y. 607*
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- 1881 *Campbell v. Purdy*, 5 Redf. 434

2802. (New) Testamentary Trustee.

- 1881 *Campbell v. Purdy*, 5 Redf. 434
 1882 *Matter of Roosevelt*, 5 Redf. 601
 1882 *Estate of Hood*, 90 N.Y. 513; * rev'g 27 Hun 579
 1884 *Matter of Hood*, 33 Hun 342

2803. (New)

- 1881 *Campbell v. Purdy*, 5 Redf. 434
 1884 *Estate of McCarter*, 94 N.Y. 561*

2804. (New)

- 1882 *Hurlburt v. Durant*, 88 N.Y. 124; 2 Civ. Pro. 115
 1884 *Estate of McCarter*, 94 N.Y. 561*

2805. (New)

- 1884 *Estate of McCarter*, 94 N.Y. 561*
 1883 *Accounting of Jackson*, 32 Hun 200; 5 Civ. Pro. 436

2806. (New)

- 1884 *Estate of McCarter*, 94 N.Y. 559

2807. (New)

- 1884 *Estate of McCarter*, 94 N.Y. 559

2808. (Many Acts)

- 1881 *Matter of Cowing & Co.*, 26 Hun 216

2811. (New)

- 1882 *Hurlburt v. Durant*, 88 N.Y. 127*
Meeker v. Crawford, 5 Redf. 450
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 1883 *Estate of Slosson*, 4 Civ. Pro. 280
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 1884 *Matter of Starr*, 2 Dem. 144

2812. (New)

- 1883 *Gladding v. Follett*, 2 Dem. 58, 66

2813. (L. 1866, ch. 115)

- 1883 *Gladding v. Follett*, 2 Dem. 58, 65

2815. (Many Acts)

- 1882 *Matter of Baker*, 26 Hun 632

2817. (New)

- 1882 *Matter of Roosevelt*, 5 Redf. 601
 1883 *Lang v. Marks*, 3 Civ. Pro. 287
 1884 *Laytin v. Davidson*, 95 N.Y. 264

2818. (New)

- 1883 *Rogers v. Rogers*, 4 Redf. 521
 1881 *Tompkins v. Moseman*, 5 Redf. 402
 1884 *Matter of Clark*, 5 Redf. 466
 1883 *Hoes v. Halsey*, 2 Dem. 580

2819. (New)

- 1882 *Hurlburt v. Durant*, 88 N.Y. 127;* 2 Civ. Pro. 115
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 1884 *Laytin v. Davidson*, 95 N.Y. 264
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2820. (New)

- 1881 *Campbell v. Purdy*, 5 Redf. 434
 1882 *Estate of Hood*, 90 N.Y. 513
 1884 *Estate of McCarter*, 94 N.Y. 561

2821. (R. S. 151, § 6) General Guardian.

- 1874 *Matter of Herbeck*, 16 Abb. N. S. 214
 1860 *People v. Kearney*, 31 Barb. 430
 1824 *Moorehouse v. Cook*, Hopk. 226, 258
 1881 *Matter of Barlie*, 5 Redf. 64
 1883 *Matter of Ledwith*, 1 Dem. 154

2823. (New)

- 1883 *Ledwith v. Ledwith*, 1 Dem. 154

2826. (R. S. 151, § 4)

- 1828 *Sherman v. Ballou*, 8 Cow. 304
 1883 *Ledwith v. Ledwith*, 1 Dem. 154

2830 (R. S. 151, § 8)

- 1882 *Matter of Filer*, 11 Abb. N. C. 107, 110, notes
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2832. (Many Acts)

- 1881 *Bolling v. Coughlin*, 5 Redf. 116
 1882 *Matter of Kerrigan*, 2 McC. 334
 1884 *Tilden v. Dows*, 2 Dem. 489
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- 1881 *Jones v. Hooper*, 2 Dem. 14
 1884 *Ledwith a. Un. Trust Co.*, 2 Dem. 440, 441, 442

2833. (R. S. 151, §§ 14, 16)

- 1884 *Ledwith v. Un. Trust Co.*, 2 Dem. 442

2836. (Many Acts)

- 1883 *Will of Hancock*, 91 N.Y. 285

2837. (R. S. 151, § 56)

- 1884 *Matter of Watson*, 2 Dem. 648

2838. (L. 1870, ch. 59, § 1)

- 1883 *Griffin v. Sarsfield*, 2 Dem. 4, 11

2840. (L. 1870, ch. 59, § 1)

- 1882 *Matteson v. Hall*, 64 How. Pr. 515

2842. (L. 1837, ch. 460, § 57)

- 1884 *Ledwith v. Union Trust Co.*, 2 Dem. 439
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2845. (L. 1837, ch. 460, § 60)

- 1884 *Ledwith v. Union Trust Co.*, 2 Dem. 439
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2846. (New)

- 1845 *In re Parker*, 1 Barb. Ch. 154
 1872 *Morgan v. Hannas*, 13 Abb. N. S. 361; rev'g, in effect, 39
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 1884 *Welch v. Gallaher*, 2 Dem. 40
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2847. (2 R. S. 152, § 11)

- 1884 *Welch v. Gallaher*, 2 Dem. 40
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2848. (New)

- 1884 *Smith v. Lusk*, 2 Dem. 595

2849. (2 R. S. 152, § 12)1882 *Matteson v. Hall*, 64 How. Pr. 5151884 *Smith v. Lusk*, 2 Dem. 595**2850.** (2 R. S. 152, § 22, new)1881 *Matter of Cowing & Co.*, 26 Hun 2161884 *Smith v. Lusk*, 2 Dem. 596**2851.** (L. 1877, ch. 206, §§ 1-4) **Guardian by Will or Deed**1883 *Matter of Schroeder*, 65 How. Pr. 194*Griffin v. Sarsfield*, 2 Dem. 4**2852.** (L. 1877, ch. 206, §§ 4-7)1882 *Geoghegan v. Foley*, 5 Redf. 501

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THEREIN.1882 *Matter of Gates*, 26 Hun 1811883 *People ex rel. Fuller v. Carney*, 29 Hun 471884 *Matter of Hoyt*, 31 Hun 353**2862.** (Co. Pro. 53) **Jurisdiction.**1883 *Baldwin v. Roberts*, 30 Hun 165**2863.** (Co. Pro. 54)1875 *Bradner v. Howard*, 75 N.Y. 420;* aff'd 1878, 14 Hun 4211880 *Tompkins v. Greene*, 26 Hun 258*Snyder v. Hughes*, 27 Hun 3741883 *Burdick v. Hare*, 13 Abb. N. C. 60; 4 Civ. Pro. 311*Steele v. McDonald*, 4 Civ. Pro. 287**2869.** (2 R. S. 226, §§ 8, 9) **General Powers.**1882 *Bird v. Crane*, 26 Hun 531

2870. (2 R. S. 273, § 274)

- 1881 *People ex rel. Schlosser v. Porter*, 25 Hun 602
 1883 *McNeary v. Chase*, 30 Hun 491
 1884 *People ex rel. McDonald v. Keeler*, 32 Hun 592

2872. (2 R. S. 273, § 276)

- 1881 *People ex rel. Schlosser v. Porter*, 25 Hun 602

2874. (2 R. S. 273, § 278) **Summons.**

- 1881 *People ex rel. Schlosser v. Porter*, 25 Hun 602

2876. (2 R. S. 227, § 11)

- 1882 *Bird v. Crane*, 26 Hun 531
 1884 *Irr v. Schroeder*, 6 Civ. Pro. 253

2877. (2 R. S. 227, § 14) **Appearance.**

- 1883 *McNeary v. Chase*, 30 Hun 492

2886. (2 R. S. 273, §§ 39, 41)

- 1881 *Bishop v. Van Vechten*, 10 Abb. N. C. 211; 62 How. Pr. 261

2890. (2 R. S. 232, § 45) **Appearance of Parties.**

- 1881 *Bishop v. Van Vechten*, 10 Abb. N. C. 211; 62 How. Pr. 261

2891. (Co. Pro. 64, sub. 8)

- 1878 *Blair v. Bartlett*, 75 N.Y. 155*

2892. (Co. Pro. § 64, sub. 15)

- 1878 *Beecher v. Kendall*, 14 Hun 328
 1883 *Fowler v. Haynes*, 91 N.Y. 350*

2893. (2 R. S. 233, § 46)

- 1878 *Flint v. Gault*, 15 Hun 213

ARTICLE III.

Order of Arrest.

1881 Sullivan v. Presdee, 9 Daly 552

2894. (2 R. S. 228, § 17) **Order of Arrest.**

1881 Sullivan v. Presdee, 9 Daly 552

1884 Stern v. Moss, 6 Civ. Pro. 184

2895. (L. 1881, §§ 30, 31)

1882 Searing v. Goldstein, 11 Abb. N. C. 450; 64 How. Pr. 426; 2 Civ. Pro. 464

2901. (New)

1883 McNeary v. Chase, 30 Hun 491

1884 Stern v. Moss, 6 Civ. Pro. 184

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2902. (New)

1883 McNeary v. Chase, 30 Hun 492

1884 Stern v. Moss, 6 Civ. Pro. 184

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2904. (New)

1884 Stern v. Moss, 6 Civ. Pro. 184

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2906. (Many Acts)

1881 Sullivan v. Presdee, 9 Daly 552

2907. (Many Acts)

1881 Sullivan v. Presdee, 9 Daly 552

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1881 *Sullivan v. Presdee*, 9 Daly 552

2916. (New)

1884 *Irr v. Schroeder*, 6 Civ. Pro. 253

2917. (New)

1884 *Irr v. Schroeder*, 6 Civ. Pro. 253

2920. (L. 1860, ch. 131, §§ 2, 3)

1884 *Irr v. Schroeder*, 6 Civ. Pro. 253

2925. (L. 1860, ch. 131, § 7)

1884 *Irr v. Schroeder*, 6 Civ. Pro. 253

2931. (L. 1860, ch. 131, § 10)

1882 *Delin v. Stohl*, 2 Civ. Pro. 222

2933. (New)

1881 *Sullivan v. Presdee*, 9 Daly 552

1882 *Delin v. Stohl*, 2 Civ. Pro. 222

1884 *Irr v. Schroeder*, 6 Civ. Pro. 253

2940. (Co. Pro. 64, 55)

1882 *Matteson v. Hall*, 64 How. Pr. 515

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2941.

1884 *Greene v. Waite*, 33 Hun 192

2944. (Co. Pro. 64, subd. 11)

1879 *Walsh v. Cornett*, 17 Hun 29

1880 *Gilmore v. Barnett*, 20 Hun 514

2949. (2 R. S. 234, §§ 52, 53, 58)

1882 *Matteson v. Hall*, 64 How. Pr. 515

2951. (Co. Pro. 55)

- 1883 *Matter of White*, 12 Abb. N. C. 348
 1892 *Gates v. Canfield*, 2 Civ. Pro. 254; 2 McC. 16; Id. 255

2952. (Co. Pro. 56)

- 1879 *Kohlbrener v. Elsheimer*, 19 Hun 89
 1883 *Matter of White*, 12 Abb. N. C. 348

2953. (Co. Pro. 56)

- 1879 *Kohlbrener v. Elsheimer*, 19 Hun 89

2956. (Co. Pro. 59)

- 1876 *Ryan v. Hanigan*, 9 Hun 520

2957. (Co. Pro. § 60)

- 1883 *Fox v. Erie Preserving Co.*, 93 N.Y. 56*

2966. (2 R. S. 238, § 70, sub. 2)

- 1884 *Livingston v. Morrissey*, 6 Civ. Pro. 28

2974. (2 R. S. 240, § 85)

- 1884 *People ex rel. McDonald v. Keeler*, 32 Hun 592

2979. (2 R. S. 240, § 90)

- 1884 *People ex rel. McDonald v. Keeler*, 32 Hun 592

2986. (L. 1838, ch. 243, § 4)

- 1883 *Denny v. Horton*, 3 Civ. Pro. 255

2988. (2 R. S. 242, § 92)

- 1882 *Hurry v. Coffin*, 2 Civ. Pro. 319

2993. (2 R. S. 242, §§ 97, 98)

- 1882 *Powers v. Jones*, 10 Abb. N. C. 461

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1882 *Searing v. Goodstein*, 11 Abb. N. C. 451

3015. (2 R. S. 245, § 124)

1882 *People ex rel. White v. Loomis*, 2 Civ. Pro. 278

1884 *Allen v. Swan*, 32 Hun 364

3016. (2 R. S. 245, § 125)

1883 *Allen v. Swan*, 32 Hun 364; 6 Civ. Pro. 56

3017. (Co. Pro. 63)

1881 *Kincaid v. Richardson*, 25 Hun 238; 9 Abb. N. C. 315

1883 *Baldwin v. Roberts*, 30 Hun 165

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1882 *Searing v. Goodstein*, 64 How. Pr. 426; 11 Abb. N. C. 450; 2 Civ. Pro. 464

3018. (New)

1882 *Searing v. Goodstein*, 11 Abb. N. C. 451; 2 Civ. Pro. 464; 64 How. Pr. 426

3024. (Co. Pro. 64, sub. 12)

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1881 *Burns v. Howard*, 9 Abb. N. C. 321, note

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1881 *Burns v. Howard*, 9 Abb. N. C. 321, note

3044 (Co. Pro. 351)

1881 *City of Buffalo v. Schliefer*, 25 Hun 275

1882 *Quick v. Wixon*, 27 Hun 594

1884 *Commissioners of Jamaica v. Van Allen*, 32 Hun 62

3045. (Co. Pro. 325, 352)

- 1877 *Hayes v. Kedzie*, 11 Hun 579
 1879 *Hallenbeck v. Co. E.*, 13th Regt., 17 Hun 235
 1884 *People v. Norton*, 33 Hun 278

3046. (Co. Pro. 353) **Justice's Courts.**

- 1878 *Vedder v. Van Buren*, 14 Hun 251
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 1879 *Thomas v. Thomas*, 18 Hun 482
 1881 *Bishop v. Van Vechten*, 10 Abb. N. C. 223; 62 How. Pr. 231
 1882 *Gutbrecht v. Prospect & C. I. R. R. Co.*, 28 Hun 498
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 1883 *Lewis v. Hoffman*, 5 Civ. Pro. 141
 1884 *Andrews v. Snyder*, 6 Civ. Pro. 333

3047. (Co. Pro. 354, 359)

- 1879 *Thomas v. Thomas*, 18 Hun 481
 1882 *Sherwood v. Traveler's Ins. Co.*, 2 Civ. Pro. 67; rev'd 1883, 3 Civ. Pro. 281
 1881 *Struve v. Droge*, 62 How. Pro. 259
 1883 *Lewis v. Hoffman*, 5 Civ. Pro. 141

3048.

- 1884 *Andrews v. Snyder*, 6 Civ. Pro. 333

3049. (Co. Pro. 327)

- 1882 *Gutbrecht v. Pros. Park & C. I. R. R. Co.*, 28 Hun 498
 1883 *Lewis v. Hoffman*, 5 Civ. Pro. 141
 1884 *Zabriskie v. Wilder*, 14 Abb. N. C. 326
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3050. (Co. Pro. 355, 356) **Appeals.**

- 1879 *Hallenbeck v. Co. E.*, 13th Reg't, 17 Hun 235
 1881 *Burns v. Howard*, 9 Abb. N. C. 324
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 1882 *Elson v. Murray*, 27 Hun 536
 1884 *Ross v. Markham*, 5 Civ. Pro. 81

3053. (Co. Pro. 360)

- 1879 *Thomas v. Thomas*, 18 Hun 481
 1882 *Gardner v. Smith*, 2 Civ. Pro. 420

3057. (Co. Pro. 366)1879 *Hatch v. C. N. Bk.*, 78 N.Y. 4891881 *Burns v. Howard*, 9 Abb. N. C. 321, note**3058.** (Co. Pro. 369)1883 *Sherwood v. Traveler's Ins. Co.*, 3 Civ. Pro. 281 ; reversing
1882, 2 Civ. Pro. 67; 65 How. Pr. 1931881 *Clark v. Carroll*, 61 How. Pr. 47; 1 Civ. Pro. 298, note**3060.** (Co. Pro. 371)1881 *Clark v. Carroll*, 1 Civ. Pro. 298, note; 61 How. Pr. 471883 *Sherwood v. Traveler's Ins. Co.*, 3 Civ. Pro. 281 ; rev'g 2
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*Appeal for a new Trial in the Appellate Court.*1881 *Burns v. Howard*, 9 Abb. N. C. 321, note

3068. (Co. Pro. 352)

- 1881 *Burns v. Howard*, 9 Abb. N. C. 321, note
Bishop v. Van Vechten 2 McC. 28; 10 Abb. N. C. 223
 1882 *Matteson v. Hall*, 64 How. Pr. 515
 1884 *Harvey v. Vandyke*, 66 How. Pr. 396

3069. (Co. Pro. 355)

- 1884 *Ross v. Markham*, 5 Civ. Pro. 81

3070. (Co. Pro. 371)

- 1877 *Jones v. Cook*, 11 Hun 230
 1882 *Garling v. Ladd*, 27 Hun 113; overruled by *Matter of Weston*, 27 Hun 461; reversed in part, and aff'd in part, 1883, 91 N.Y. 502
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 1883 *Atkin v. Pitcher*, 31 Hun 352
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3071. (Co. Pro. 364, 366)

- 1881 *Burns v. Howard*, 9 Abb. N. C. 321, note
 1882 *Snyder v. Hughes*, 27 Hun 374
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3073. (Co. Pro. 371)

- 1882 *Quick v. Wixon*, 27 Hun 594

3126. (L. 1871, ch. 492, §§ 4, 5) **Justices in Brooklyn.**

- 1882 *Hurry v. Coffin*, 2 Civ. Pro. 319

3154. (Co. Pro. 71) **Miscellaneous Provisions.**

- 1883 *Baldwin v. Roberts*, 30 Hun 165

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PROVISIONS RELATING TO CERTAIN COURTS IN CITIES, AND
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- 1880 *Matter of Gates*, 26 Hun 181
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 1883 *People ex rei. Fuller v. Carney*, 29 Hun 47

3160. (New) City Court of New York.

- 1883 *Stephenson v. Hanson*, 4 Civ. Pro. 104

3165. (Many Acts)

- 1883 *Gribbon v. Freel*, 93 N.Y. 95;* 62 How. Pr. 273

3167. (L. 1867, ch. 516, &c.)

- 1881 *Moller v. Tuska*, 87 N.Y. 166

3169. (New)

- 1881 *Fielding v. Lucas*, 87 N.Y. 204*
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 1883 *Mershon v. Leonard Scott Pub. Co.*, 4 Civ. Pro. 319

3170. (L. 1874, ch. 545, § 3)

- 1883 *Gribbon v. Freel*, 93 N.Y. 94

3174.

- 1884 *Oakes v. Harway*, 6 Civ. Pro. 357

3189. L. 1872, ch. 629, § 10)

- 1879 *Bamberg v. Stern*, 76 N.Y. 558*

3191. (Co. Pro. 352, sub. 1, &c.)

- 1879 *Bamberg v. Stern*, 76 N.Y. 555, 556*
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 1883 *Walsh v. Schultz*, 6 Civ. Pro. 126
 1884 *Wilmore v. Flack*, 6 Civ. Pro. 191

3194. (Many Acts)

- 1879 *Gordon v. Hartman*, 79 N.Y. 222*

3209. (New) Inferior City Courts.

- 1882 *Searing v. Goodstein*, 11 Abb. N. C. 451; 64 How. Pr. 426; 2 Civ. Pro. 464
 1884 *Stern v. Moss*, 6 Civ. Pro. 184

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3210. (New)

- 1881 *Sullivan v. Presdee*, 9 Daly 552

3211. (Many Acts)

- 1881 *Sullivan v. Presdee*, 9 Daly 552
1884 *Lang v. Marks*, 3 Civ. Pro. 287
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3213. (New)

- 1881 *Burns v. Howard*, 9 Abb. N. C. 321, note
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1882 *Hurry v. Coffin*, 2 Civ. Pro. 319
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3214. (New)

- 1881 *Sullivan v. Presdee*, 9 Daly 552
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3215. (Many Acts) **New York District Courts.**

- 1883 *Mayor, &c. v. Decker*, 65 How. Pr. 472

3216. (L. 1857, ch. 244, § 3)

- 1881 *Dinkel v. Wehle*, 11 Abb. N. C. 130; 63 How. Pr. 298

3220. (Many Acts)

- 1880 *Bartels v. Cunningham*, 8 Abb. N. C. 226
1882 *Searing v. Goodstein*, 11 Abb. N. C. 451; 64 How. Pr. 426; 2 Civ. Pro. 464
1883 *Parker v. Conner*, 93 N.Y. 521
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3223. (Many Acts) **Albany and Troy Justices' Courts.**

- 1883 *Connor v. Hilton*, 66 How. Pr. 144

3226. (Many Acts) **Rochester Municipal Court.**

- 1881 *Burns v. Howard*, 9 Abb. N. C. 321, note

3227. (Many Acts)

- 1883 *Murtha v. Curley*, 3 Civ. Pro. 266; 65 How. Pr. 86; 92 N.Y. 359; 49 Super. 489

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- 1880 *Matter of Gates*, 26 Hun 181
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 1883 *People ex rel. Fuller v. Carney*, 29 Hun 1880

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- 1884 *Marsh v. Village of Lansingburgh*, 31 Hun 515

3228. (Co. Pro. 304) *Costs.*

- 1876 *Law v. McDonald*, 9 Hun 28
 1877 *Van Wyck v. Baker*, 11 Hun 310
 1880 *Kelly v. N.Y. & M'n Beach R'y Co.*, 81 N.Y. 234
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 1881 *Baine v. City of Rochester*, 85 N.Y. 526; 62 How. Pr. 346; 1 Civ. Pro. 269
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 1882 *Lane v. Van Orden*, 63 How. Pr. 237; 11 Abb. N. C. 22
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 1883 *Att'y G'l v. N. A. L. I. Co.*, 91 N.Y. 58
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Cooper v. Jolly, 30 Hun 225
Sprague v. Richards, 30 Hun 247
 1883 *Green v. Village of Canandaigua*, 30 Hun 306
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 1884 *Boardway v. Scott*, 31 Hun 381

3229. (Co. Pro. 305, 306)

- 1877 *Park v. Spaulding*, 10 Hun 130
Gleason v. Pease, 11 Hun 233
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- 1878 *Learn v. Currier*, 15 Hun 187
- 1880 *Weaver v. Ely*, 82 N.Y. 90
Tompkins v. Green, 21 Hun 258; *aff'd* 82 N.Y. 619*
Williams v. Cassidy, 22 Hun 180
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- 1881 *Baine v. City of Rochester*, 1 Civ. Pro. 269; 85 N.Y. 526;*
 62 How. Pr. 346
- 1882 *Johston v. Stimmell*, 89 N.Y. 119
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- 1883 *Murtha v. Curley*, 91 N.Y. 361;* 65 How. Pr. 86; 49
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- 1884 *Aikman v. Harsell*, 5 Civ. Pro. 93; 63 How. Pr. 237

3230. (Co. Pro. 306)

- 1876 *Lane v. McDonald*, 9 Hun 28
- 1878 *Lossee v. Ellis*, 13 Hun 657
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- 1880 *Black v. O'Brien*, 23 Hun 82
- 1882 *Newcomb v. Hale*, 4 Civ. Pro. 25; 12 Abb. N. C. 338; 64
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- 1883 *Murtha v. Curley*, 92 N.Y. 361;* 49 Super. 489; 65 How.
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- 1884 *De Meli v. De Meli*, 5 Civ. Pro. 306

3231. (Co. Pro. 304)

- 1881 *Abbott v. Johnstown Horse R. R. Co.*, 24 Hun 435
Levin v. Haas, 25 Hun 267
- 1882 *Quin v. Bowe*, 11 Abb. N. C. 225; 10 Daly 105

3232. (2 R. S. 617, § 28)

- 1881 *Adams v. Ward*, 60 How. Pr. 288

3233. (New)

- 1882 *Phipps v. Carman*, 26 Hun 519

3234. (2 R. S. 617, § 26)

- 1883 *Cooper v. Jolly*, 3 Civ. Pro. 9; 30 Hun 225
Willard v. Strachan, 3 Civ. Pro. 452

3235. (Co. Pro. 61)

- 1882 *Gates v. Canfield*, 2 Civ. Pro. 254; 28 Hun 13; 64 How.
 Pr. 81
 1884 *Falkes v. Moore*, 32 Hun 295, 297

3236. (Co. Pro. 315)

- 1877 *Jones v. Cook*, 11 Hun 232
 1878 *Foley v. Rathbone*, 12 Hun 591
 1882 *Veeder v. Mudgett*, 27 Hun 523
Matter of Booth, 11 Abb. N. C. 150

3237. (New)

- 1883 *Murtha v. Curley*, 92 N.Y. 361;* 3 Civ. Pro. 266; 49
 Super. 489; 65 How. Pr. 86

3238. (Co. Pro. 306)

- 1878 *Sheridan v. Genet*, 1 Civ. Pro. 309, note
Donovan v. B'd of Education, 1 Civ. Pro. 311, note
Lotti v. Krakauer, 1 Civ. Pro. 312, note
 1879 *Lyddy v. Kenny*, 1 Civ. Pro. 310, note
 1881 1st N. Bk. of *Meadville v. 4th N. Bk. of N.Y.*, 84 N.Y. 470
Combs v. Combs, 25 Hun 279; 1 Civ. Pro. 298
Comley v. Mayor, &c., 1 Civ. Pro. 306
 1882 *Hauselt v. Godfrey*, 3 Civ. Pro. 116
Sprague v. Richards, 30 Hun 246
Clark v. Carroll, 61 How. Pr. 47
Havermeyer v. Havermeyer, 1 Civ. Pro. 448
 1883 *Murtha v. Curley*, 3 Civ. Pro. 86; id. 266; 92 N.Y. 361;*
 49 Super. 489; 65 How. Pr. 86
Cooper v. Jolly, 30 Hun 247

3239. (Co. Pro. 315, 306)

- 1881 *Verplanck v. Kendall*, 47 Super. 513
 1882 *Phipps v. Carman*, 26 Hun 519
Sanders v. Townshend, 11 Abb. N. C. 217, note
Higgins v. Callahan, 2 Civ. Pro. 302; 10 Daly 420

3240. (L. 1854, ch. 270, § 3)

- 1877 *Noyes v. Childrens' Aid Soc.*, 70 N.Y. 481; 3 Abb. N. C. 36; 16 Alb. L. J. 224; affi'g 10 Hun 289; 53 How. Pr. 10
- 1878 *People ex rel. Greave v. Smythe*, 13 Hun 236
- 1879 *Re Jetter*, 78 N.Y. 603*
- 1881 *Prot. E. Publ. School*, 86 N.Y. 397*
Gardiner v. Gardiner, 87 N.Y. 16
Matter of N.Y. Prot. Ep. School, 24 Hun 368
Matter of Schaller, 62 How. Pr. 40
- 1882 *Randall v. Carpenter*, 88 N.Y. 297
Matter of Simpson, 26 Hun 459
Matter of N.Y., L. & W. R. R. Co., 26 Hun 593; 63 How. Pr. 123
Cole v. Terpenning, 27 Hun 112
Department of Public Parks, 27 Hun 306
- 1883 *Att'y G'l v. N. A. L. Ins. Co.*, 91 N.Y. 58*
Att'y G'l v. Continental L. I. Co., 93 N.Y. 46*
Matter of Dunham, 49 Super. 487
Matter of Thorne, 10 Daly 71
- 1884 *Simmons v. Simmons*, 32 Hun 554
Youmans v. Terry, 32 Hun 628
People v. City Bk. of Rochester, 96 N.Y. 37*
People ex rel. Bray v. Sup's of Ulster, 65 How. Pr. 327
Hearne v. Sullivan, 13 Abb. N. C. 371

3245. (L. 1859, ch. 262, § 4)

- 1881 *Baine v. City of Rochester*, 85 N. Y. 525;* 1 Civ. Pro. 269; 62 How. Pr. 346
Williams v. City of Buffalo, 25 Hun 301
- 1883 *Green v. Village of Canandaigua*, 30 Hun 306
- 1884 *Utica Water Works Co. v. City of Utica*, 31 Hun 342
Marsh v. Village of Lansingburgh, 31 Hun 514
Dressel v. City of Kingston, 32 Hun 527

3246. (Co. Pro. 317)

- 1876 *Frost v. Hotchkiss*, 1 Abb. N. C. 28
- 1877 *Olcott v. McLean*, 11 Hun 398
Morrison v. Lester, 11 Hun 618; S. C., 1878, 11 Hun 540
Morgan v. Skidmore, 3 Abb. N. C. 95
- 1879 *Alger v. Conger*, 17 Hun 46
Harrison v. Ayres, 18 Hun 339
- 1881 *Carney v. Bernheimer*, 1 Civ. Pro. 233, note
Com'rs Pub. Charities v. Casiatir, 62 How. Pr. 118

- 1882 *Dagget v. Mead*, 11 Abb. N. C. 117
 1883 *Meltzer v. Doll*, 91 N.Y. 368
Tolman v. S. B. & N. Y. R. R. Co., 92 N.Y. 355*
 1884 *Slauson v. Watkins*, 95 N.Y. 371*
 1883 *Felt v. Dorr*, 29 Hun 15
 1882 *Gutbrecht v. P. P. & C. I. R. R. Co.*, 28 Hun 497
 1883 *Bedell v. Barnes*, 29 Hun 589
Feig v. Wray, 3 Civ. Pro. 159; 64 How. Pr. 391
 1884 *Miller v. Miller*, 32 Hun 481
McGovern v. McGovern, 50 Super. 393

3247. (Co. Pro. 321)

- 1878 *Peck v. Yorks*, 75 N.Y. 422*
 1884 *Slauson v. Watkins*, 95 N.Y. 371 ;* affirming 1880, 46 Super. 172
 1881 *Struve v. Droge*, 62 How. Pr. 258
 1882 *Fredericks v. Niver*, 28 Hun 419
 1883 *Bedell v. Barnes*, 29 Hun 591
 1884 *Remington Paper Co. v. O'Dougherty*, 32 Hun 256; 6 Civ. Pro. 79
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3248. (2 R. S. 553, § 8)

- 1881 *Baine v. City of Rochester*, 85 N.Y. 525 ;* 1 Civ. Pro. 269
 1883 *Smith v. Cooper*, 30 Hun 395

3249. (Co. Pro. 316)

- 1877 *Morrison v. Lester*, 11 Hun 619
 1879 *Schoen v. Schlesinger*, 7 Abb. N. C. 402
 1881 *Fish v. Wing*, 1 Civ. Pro. 231

3250. (New)

- 1881 *Struve v. Droge*, 62 How. Pr. 258
 1882 *Matter of N.Y., L. & W. R. R. Co.*, 26 Hun 593; 63 How. Pr. 123

TITLE II.

FIXING THE AMOUNT OF COSTS.

- 1881 *Porter v. Cobb*, 25 Hun 185

3251. (Co. Pro. 307)

- 1877 *Sparrowhawk v. Sparrowhawk*, 11 Hun 530
 1878 *Van Guelder v. Van Guelder*, 13 Hun 119

- 1878 *People ex rel. Green v. Smith*, 13 Hun 229
 1879 *Wright v. Fleming*, 18 Hun 360
 1881 *Prot. E. Public School*, 86 N.Y. 397
 Matter of N.Y. Prot. Ep. School, 24 Hun 369
 1882 *Matter of N.Y., L. & W. R. Co.*, 26 Hun 504; 63 How.
 Pr. 123
 Vceder v. Mudgett, 27 Hun 523; modified 1834, 95 N.Y. 269
 Gates v. Canfield, 28 Hun 13
 1882 *Washburn v. Oliver*, 62 How. Pr. 482
 Andrews v. Schnitzler, 2 Civ. Pro. 18
 1883 *Revers Copper Co. v. Dimock*, 29 Hun 300
 Sprague v. Richards, 30 Hun 247
 Malcolm v. Hamill, 65 How. Pr. 506; 4 Civ. Pro. 221
 Estate of Stokes, 3 Civ. Pro. 384
 Newman v. Grieff, 3 Civ. Pro. 362
 Gay v. Seibold, 3 Civ. Pro. 169
 Goodridge v. Connor, 66 How. Pr. 143
 1884 *Utica Water Works v. City of Utica*, 31 Hun 432
 Simmons v. Simmons, 32 Hun 554
 Studwell v. Baxter, 33 Hun 331
 Woodford v. Rasback, 6 Civ. Pro. 315

3252. (Co. Pro. 308, 309)

- 1876 *Murray v. Robinson*, 9 Hun 137
 1877 *Moulton v. Beecher*, 11 Hun 193
 Noyes v. Children's Aid Soc., 3 Abb. N. C. 36
 1878 *Walbridge v. James*, 16 Hun 12
 Hinman v. Ryder, 44 Super. 330
 1879 *Bockes v. Hathorn*, 17 Hun 8
 1881 *Bean v. Tonnele*, 1 Civ. Pro. 33
 1882 *Sidenberg v. Ely*, 90 N.Y. 259
 Matter of Hulbert, 61 How. Pr. 98
 1884 *Tolman v. Syracuse, B. & N.Y. R. R. Co.*, 31 Hun 400

3253. (Co. Pro. 309)

- 1875 *O. & L. C. R. R. Co. v. V. & C. R. R. Co.*, 64 N.Y. 179*
 1877 *Warren v. Buckley*, 2 Abb. N. C. 323
 Noyes v. Children's Aid Soc., 3 Abb. N. C. 36
 1878 *Kraushaar v. Meyer*, 72 N.Y. 602*
 1879 *Flynn v. Eq. L. Assur. Soc.*, 18 Hun 212
 1883 *Schermerhorn v. Prouty*, 80 N.Y. 319*
 Weaver v. Ely, 82 N.Y. 91*
 1880 *Morrison v. Agate*, 20 Hun 24
 1882 *Van Slyke v. Van Loan*, 26 Hun 344

- 1881 *Voorhis v. French*, 47 Super. 364; 61 How. Pr. 161
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 Pr. 130; 1 Civ. Pro. 350
- 1882 *Rothery v. N. Y. Rubber Co.*, 90 N.Y. 31
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People v. Rockaway Beach Imp. Co., 28 Hun 357
Connaughty v. Saratoga Co. Bk., 28 Hun 374; reversed
 1883, 92 N.Y. 404*
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- 1883 *Williams v. Western Union Tel. Co.*, 93 N.Y. 171; 1 Civ.
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- 1884 *Rosa v. Jenkins*, 31 Hun 386
Tolman v. Syracuse, B. & N.Y. R. R. Co., 31 Hun 403
- 1883 *Howell v. Miller*, 5 Civ. Pro. 164
- 1884 *Seligman v. Wallach*, 6 Civ. Pro. 232
Rutty v. Person, 6 Civ. Pro. 25
Boyd v. N. Y. Central & Hudson R. R. Co., 6 Civ. Pro. 224;
 14 Abb. N. C. 496
- 1883 *People v. Genesee R. R. Co.*, 30 Hun 565; affirmed,
 1884, 95 N.Y. 666*
- 1883 *Barclay v. Culver*, 4 Civ. Pro. 365; 66 How. Pr. 342
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 How. Pr. 288
- 1882 *Matter of Hulbert*, 61 How. Pr. 98

3254. (Co. Pro. 309)

- 1877 *Noyes v. Children's Aid Soc.*, 3 Abb. N. C. 36
- 1881 *Riggs v. Cragg*, 26 Hun 105
- 1882 *Matter of Gray*, 27 Hun 461
- 1883 *Weed v. Paine*, 31 Hun 10; 13 Abb. 200; 4 Civ. Pro. 305
Sherill Roper Air Engine Co. v. Harwood, 30 Hun 10

3256. (Co. Pro. 311)

- 1876 *Allen v. Mahon*, 1 Abb. N. C. 468
- 1877 *Flood v. Moore*, 2 Abb. N. C. 92
- 1880 *Rust v. Hauselt*, 8 Abb. N. C. 148
- 1882 *Sanders v. Townshend*, 11 Abb. N. C. 217
Higgins v. Callahan, 10 Daly 420; 2 Civ. Pro. 302
- 1881 *Rothery v. N. Y. Rubber Co.*, 24 Hun 173
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- 1883 *Veeder v. Judson*, 91 N.Y. 377*
 1882 *Douglass v. Atwell*, 3 Civ. Pro. 80
 1883 *Hall v. U. S. Reflector Co.*, 4 Civ. Pro. 148; 31 Hun 609

3258. (2 R. S. 616, § 24)

- 1881 *Porter v. Cobb*, 25 Hun 185
 1883 *Smith v. Cooper*, 30 Hun 395
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3262. (Co. Pro. 311)

- 1877 *Cochran's Ex'ors v. Ingersoll*, 11 Hun 343
 1878 *Foley v. Rathbone*, 12 Hun 591
Spelman v. Terry, 74 N.Y. 448
 1880 *Andrews v. Long*, 22 Hun 25
 1881 *Williams v. W. U. Tel. Co.*, 1 Civ. Pro. 194; 61 How. Pr. 305
 1882 *Higgins v. Callahan*, 2 Civ. Pro. 302; 10 Daly 420

3264. (New) **Taxation of Costs.**

- 1883 *Matthews v. Matson*, 3 Civ. Pro. 157

3265. (New)

- 1878 *Lotti v. Krakauer*, 1 Civ. Pro. 312, note
 1880 *Rust v. Hauselt*, 8 Abb. N. C. 148
 1883 *Veeder v. Judson*, 91 N.Y. 376
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 1881 *Comly v. Mayor, &c.*, 1 Civ. Pro. 306
 1882 *Washburne v. Oliver*, 62 How. Pr. 482

3267. (Many Acts)

- Adams v. Ward*, 60 How. Pr. 288
 1882 *Bothery v. N.Y. Rubber Co.*, 90 N.Y. 31
 1883 *Robitzek v. Hect*, 3 Civ. Pro. 156

TITLE III.

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- 1880 *Warner v. Ross*, 9 Abb. N. C. 385
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3268. (2 R. S. 620, § 1) **Security for Costs.**

- 1876 *N. Park Bk. v. Gunst*, 1 Abb. N. C. 292
 1872 *Merchants Bk. v. McNaughton*, 1 Abb. N. C. 293, note

- 1877 *Keller v. Townsend*, 2 Abb. N. C. 433
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- 1880 *Mellen v. Hutchins*, 8 Abb. N. C. 228
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- 1881 *Healy v. 23rd St. R. R. Co.*, 1 Civ. Pro. 15
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- 1881 *McCall v. Frith*, 2 Civ. Pro. 9; 1883, 4 Id. 102
- 1882 *Nichols v. Camman*, 2 Civ. Pro. 375
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- 1883 *Schultz v. 3d Ave. R. R. Co.*, 49 Super. 96
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- 1882 *Ryan v. Potter*, 4 Civ. Pro. 80
- 1883 *Stephenson v. Hanson*, 4 Civ. Pro. 104
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- 1884 *Hayes v. 2d Ave. R. R. Co.*, 5 Civ. Pro. 155
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3269. (2 R. S. 620, § 2)

- 1881 *Healy v. 23d St. Ry. Co.*, 1 Civ. Pro. 15
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- 1883 *Stephenson v. Hanson*, 4 Civ. Pro. 104
- 1884 *Fitzsimmons v. Curley*, 6 Civ. Pro. 156; 50 Super. 430
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3270. (2 R. S. 620, §§ 1, 2)

- 1881 *Healey v. 23d St. Ry. Co.*, 1 Civ. Pro. 15
- 1883 *Hoffman v. Lowell*, 4 Civ. Pro. 103

3271. (Co. Pro. 317, &c.)

- 1881 *Fish v. Wing*, 1 Civ. Pro. 231
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- Murphy *v.* Travers, 60 How. Pr. 301
 1882 Sullivan *v.* Remington M'fg Co., 2 Civ. Pro. 63; 27 Hun 270
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 1883 Lewis *v.* Lewis, 13 Abb. N. C. 182, note
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 Irving *v.* Garrity, 4 Civ. Pro. 105; 13 Abb. N. C. 182, note
 1882 Ryan *v.* Potter, 4 Civ. Pro. 80
 1884 McGovern *v.* McGovern, 50 Super. 394

3272. (Many Acts)

- 1876 Schencke *v.* Rowell, 1 Abb. N. C. 297
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 1880 Hasler *v.* Johnston, 59 How. Pr. 432
 1882 Weber *v.* Moog, 12 Abb. N. C. 108
 1881 Healey *v.* 23d St. R. R. Co., 1 Civ. Pro. 15
 1883 Robertson *v.* Barnum, 29 Hun 658
 Buckley *v.* Gutta Percha M'fg Co., 3 Civ. Pro. 428
 McCall *v.* Frith, 2 Civ. Pro. 9; 1883, 4 Id. 102
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3276. (New)

- 1883 Robertson *v.* Barnum, 29 Hun 657

3277. (2 R. S. 620, § 4)

- 1883 Irving *v.* Garrity, 13 Abb. N. C. 183
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3278. (2 R. S. 620, §§ 7, 8)

- 1882 In re Levy, 2 Civ. Pro. 108
 1883 Robertson *v.* Barnum, 29 Hun 659
 Hirsch *v.* Hutchinson, 3 Civ. Pro. 108
 1884 Krom *v.* Kursheedt, 6 Civ. Pro. 371

3279. (New)

- 1883 Matter of H., 93 N.Y. 382
 1880 Hasler *v.* Johnston, 59 How. Pr. 432

3283. (L. 1847, ch. 277, § 7)

- 1884 Ruddy *v.* Person, 6 Civ. Pro. 25

3284. (Many Acts)

- 1881 Fees Clerk City Ct., 25 Hun 594
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3287. (Many Acts)

- 1882 *Van Gelder v. Van Gelder*, 26 Hun 360
 1884 *Hall v. U. S. Reflector Co.*, 31 Hun 611; 4 Civ. Pro. 148
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3296. (Co. Pro. § 312) Amount of Fees.

- 1878 *Chase v. James*, 16 How. 15
 1879 *1st N. Bk Cooperstown v. Tomajo*, 17 Hun 240; appealed
 1879, 77 N.Y. 477*
 1891 *Marsh v. City of Buffalo*, 87 N.Y. 188*
 1882 Assignment of *Hurlburt*, 89 N.Y. 260
 1883 *Greenwood v. Martin*, 29 Hun 102
 1880 *Bowne v. Leveridge*, 8 Abb. N. C. 148, note
 1883 *Robertson v. Barnum*, 29 Hun 657
 1884 *Brady v. Kingsland*, 5 Civ. Pro. 413
 1880 *Matter of Schaller*, 10 Daly 62
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3297. (Many Acts)

- 1877 *Richards v. Richards*, 2 Abb. N. C. 93
Daby v. Jacot, 2 Abb. N. C. 97
 1881 *Maher v. O'Conner*, 1 Civ. Pro. 158; 61 How. Pr. 103
Lockwood v. Fox, 1 Civ. Pro. 407
 1882 Assignment of *Hurlburt*, 89 N.Y. 260
 1884 *Race v. Gilbert*, 32 Hun 361
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3301. (Co. Pro. 312)

- 1882 *Townsend v. Nebenzahl*, 2 McC. 342, note
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 1883 *Dow v. Darragh*, 92 N.Y. 538*

3307. (Many Acts)

- 1876 *Germ. Am. Bk. v. Pittson & Elmira Coal Co.*, 9 Hun 205
 1877 *Ridlon v. Flanigan*, 12 Hun 116
 1881 *Lockwood v. Fox*, 1 Civ. Pro. 407
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 1882 *Bowe v. Campbell*, 2 Civ. Pro. 232

- McKeon v. Horsfall**, 88 N.Y. 431*
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 1884 **Hall v. U. S. Reflector Co.**, 31 Hun 611; 4 Civ. Pro. 148
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 1883 **Doyle v. Doyle**, 4 Civ. Pro. 265
 1884 **Flack v. State of N.Y.**, 5 Civ. Pro. 286; 95 N.Y. 462
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3308. (Many Acts) Fees.

- 1881 **Maher v. O'Connor**, 1 Civ. Pro. 158; 61 How. Pr. 103
Lockwood v. Fox, 1 Civ. Pro. 407

3309. (Many Acts)

- 1884 **Flack v. State of N.Y.**, 5 Civ. Pro. 286

3320. (Co. Pro. 244, see Act 1883, ch. 378)

- 1881 **In re Woven Tape Skirt Co.**, 85 N.Y. 506

3321. (Many Acts)

- 1883 **Veeder v. Judson**, 91 N.Y. 375
 1882 **Veeder v. Mudgett**, 27 Hun 521; 91 N.Y. 374

3328. (2 R. S. 650, § 6) Fees in Justices' Courts.

- 1882 **Powens v. Jones**, 10 Abb. N. C. 458

3331. (New)

- 1882 **Woodruff v. Imperial F. I. Co.**, 90 N.Y. 523*
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3332. (New)

- 1882 **Will of Gates**, 26 Hun 179

CHAPTER XXII.

DEFINITIONS, AND REGULATIONS CONCERNING THE CON-
 STRUCTION, EFFECT, AND APPLICATION OF
 THIS ACT.

- 1882 **Matter of Gates**, 26 Hun 181
 1883 **People ex rel. Fuller v. Carney**, 29 Hun 47

3333. (Co. Pro. 2) Definitions.

- 1877 *Jennisson v. Jennisson*, 11 Hun 38
 1879 *City of Buffalo*, 78 N.Y. 370*
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 1880 *Crosby v. Day*, 81 N.Y. 243
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 1881 *Matter of Thorn*, 10 Daly 71
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 1882 *Mowry v. Peet*, 88 N.Y. 454
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 1883 *Estate of Halsey*, 93 N.Y. 52
 1882 *Killoran v. Barton*, 26 Hun 650
 1883 *People ex rel. Byrne v. French*, 12 Abb. N. C. 157

3334. (Co. Pro. 3)

- 1876 *People v. Day*, 9 Hun 203
 1878 *People ex rel. Green v. Smyth*, 13 Hun 228
 1879 *Matter of City of Buffalo*, 78 N.Y. 370*
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 1880 *Young v. Cuddy*, 23 Hun 250
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 1881 *Re Waverly Water Works Co.*, 85 N.Y. 480
 1882 *Mowry v. Peet*, 88 N.Y. 454
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 1882 *Matter of Gates*, 26 Hun 181
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 1884 *People v. City Bk. of Rochester*, 96 N.Y. 37*
 1883 *People ex rel. Byrne v. French*, 12 Abb. N. C. 157
 1881 *Matter of Thorn*, 10 Daly 71

3335. (Co. Pro. 4)

- 1877 *Phillips v. Therasson*, 11 Hun 143
 1882 *Killoran v. Barton*, 26 Hun 650

3336. (Co. Pro. 5)

- 1882 *Killoran v. Barton*, 26 Hun 650

3337. (Co. Pro. 6)

1882 *Killoran v. Barton*, 26 Hun 650

3338. (Co. Pro. 70)

1882 *Adriance v. Sanders*, 11 Abb. N. C. 422

3339. (Co. Pro. 69)

- 1877 *Phillips v. Therasson*, 11 Hun 143
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 1879 *Kaiser v. Kaiser*, 16 Hun 603
 1883 *Bulkley v. Staats*, 31 Hun 183; 66 How. Pr. 257

3341. (Many Acts)

1883 *Dickinson v. Mayor*, 92 N.Y. 589*

3342. (L. 1876, ch. 449, § 10)

1881 *Fries v. Riley*, 25 Hun 587

3343. (Co. Pro. 464)

- 1878 *Winge v. Disse*, 15 Hun 194
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 1880 *Lewis v. Farrell*, 46 Super. 362
Matter of Thorn, 10 Daly 71
 1881 *Bogart v. Dart*, 25 Hun 396
People ex rel. Fries v. Riley, 25 Hun 588
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 1882 *People ex rel. Negus v. Dwyer*, 90 N.Y. 410; * 1 Civ Pro 484
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 1883 *Plimpton v. Bigelow*, 29 Hun 365; 12 Abb. N. C. 202; reversing S. C., 1882, 11 Abb. N. C. 180; 93 N.Y. 592
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 1884 *Mauran v. Hawley*, 2 Dem. 396
Ryer v. Ryer, 33 Hun 119

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PROVISIONS REGULATING THE EFFECT AND APPLICATION OF THIS ACT.

1880 *Lewis v. Farrell*, 46 Super. 362

3345. (Co. Pro. 467) Application of Provisions.

1877 *Kaufman v. Thrasher*, 10 Hun 441

1878 1st Bk. of *Rome v. Wilson*, 13 Hun 233

1881 *Horton v. Shepherd*, 1 Civ. Pro. 30

Combs v. Combs, 1 Civ. Pro. 298

1882 *McKeon v. Horsfall*, 88 N.Y. 430

1884 *Estate of McCarter*, 94 N.Y. 559

Estate of Tilden, 5 Civ. Pro. 449

3347. (L. 1876, ch. 449, § 55)

1878 *Frazier v. Gibson*, 15 Hun 39

1880 *Mellen v. Hutchins*, 8 Abb. N. C. 228

People ex rel. Egan v. Justices Marine Court, 8 Abb. N.

C. 377, note; rev'g S. C., 13 Hun 333

Lewis v. Farrell, 46 Super. 358

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1881 *People v. Cohocton Stone Road*, 25 Hun 16

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§ 66. (2 R. S. 468-472, part 3, ch. 8, tit. 4, art. 3; 3 R. S. 5th ed. 769; 2 Edm. 490)

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103 N. Y. 659.
37 Hun, 275.
11 Daly, 281.
5 Dem. 55.
18 Abb. N. C. 62, 63.
3 St. Rep. 611.

998.
103 N. Y. 659.
18 Abb. N. C. 62.
3 St. Rep. 611.

999.
12 Civ. Pro. 323.
100 N. Y. 98.
33 Hun, 54.
11 Daly, 281.
3 St. Rep. 438.

1000.
103 N. Y. 282.
43 Hun, 442.
44 Hun, 184.
3 St. Rep. 87.
6 St. Rep. 763.

1001.
104 N. Y. 664.
42 Hun, 604.
18 Abb. N. C. 409.

1002.
100 N. Y. 98.
41 Hun, 10.
2 St. Rep. 175.

1003.
6 Civ. Pro. 425.
7 Civ. Pro. 164.
35 Hun, 434.
43 Hun, 22.

1004.
7 Civ. Pro. 164.

1008.
5 St. Rep. 84.

1009.
43 Hun, 182.
4 St. Rep. 399.
5 St. Rep. 84.
7 St. Rep. 789.

1010.
7 Civ. Pro. 202.
43 Hun, 444.
53 Super. 286.
2 St. Rep. 78.

1011.
7 Civ. Pro. 40.
11 Civ. Pro. 94.
44 Hun, 568.
3 How. N. S. 350.
8 St. Rep. 557.

1012.
11 Civ. Pro. 94.

1012, subd. 3.
42 Hun, 604.

1013.
6 Civ. Pro. 294.
9 Civ. Pro. 226.
10 Civ. Pro. 107, 218.
12 Civ. Pro. 443, 448.
13 Civ. Pro. 45, 48.
105 N. Y. 521.
42 Hun, 604.
44 Hun, 568.
18 Abb. N. C. 352,
410.
3 How. N. S. 527.
12 Daly, 97.
1 St. Rep. 241.
4 St. Rep. 639.
8 St. Rep. 557.

1015.
7 Civ. Pro. 183,
105 N. Y. 59.
42 Hun, 604.
44 Hun, 569.
18 Abb. N. C. 37,
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1016.
8 Civ. Pro. 70.

1018.
12 Civ. Pro. 334.
40 Hun, 623.
2 St. Rep. 189.

1019.
6 Civ. Pro. 418.
99 N. Y. 112.
2 How. N. S. 72.

1021.
12 Civ. Pro. 383.
41 Hun, 456.
5 Dem. 378.
18 Abb. N. C. 458.
52 Super. 544.

1022.
7 Civ. Pro. 202.
12 Civ. Pro. 334.
53 Super. 147, 286.
17 Abb. N. C. 299.
18 Abb. N. C. 410.
2 St. Rep. 78.

1023.
6 Civ. Pro. 324.
96 N. Y. 642.
34 Hun, 582.
43 Hun, 391.
13 Daly, 537.
3 Dem. 258.
6 St. Rep. 402.

1027.
3 How. N. S. 483.

1032.
3 How. N. S. 483.

1033.
3 How. N. S. 483

1035.
3 How. N. S. 264.
101 N. Y. 618.

1051.
3 How. N. S. 264.

1058.
3 How. N. S. 264.

1059.
3 How. N. S. 264.

1116.
3 How. N. S. 483.

1279.
7 Civ. Pro. 245.
104 N. Y. 528, 573.
42 Hun, 600.
44 Hun, 613.
53 Super, 506.
4 St. Rep. 596.
5 St. Rep. 736.
7 St. Rep. 685.
8 St. Rep. 737.

1280.
7 Civ. Pro. 245.
104 N. Y. 528.
44 Hun, 613.
4 St. Rep. 596.
8 St. Rep. 737.

1281.
7 Civ. Pro. 245.
104 N. Y. 528.
44 Hun, 613.
5 St. Rep. 736.
8 St. Rep. 737.

1282.
13 Civ. Pro. 83.
98 N. Y. 434.
5 Dem. 52.

1283.
98 N. Y. 434.
43 Hun, 588.

1284.
98 N. Y. 434.

1285.
98 N. Y. 434.

1286.
98 N. Y. 434.

1287.
98 N. Y. 434.

1288.
98 N. Y. 434.

1289.
98 N. Y. 434.

1290.
13 Civ. Pro. 83.
98 N. Y. 434.
100 N. Y. 243.
33 Hun, 254.
43 Hun, 587.
7 St. Rep. 215.

1291.
98 N. Y. 434.
43 Hun, 587.

1292.
10 Civ. Pro. 19.
102 N. Y. 464.
2 St. Rep. 58.

1294.
8 Civ. Pro. 94.
11 Civ. Pro. 354, 418
12 Civ. Pro. 168.
44 Hun, 269.
19 Abb. N. C. 436,
9 St. Rep. 563.
10 St. Rep. 161
106 N. Y. 663.

1295.
8 Civ. Pro. 94.

1296.
8 Civ. Pro. 272.

1297.
8 Civ. Pro. 272.
104 N. Y. 618.

1298.
8 Civ. Pro. 272.
104 N. Y. 618.

1299.
8 Civ. Pro. 272.

1300.
8 Civ. Pro. 87.
10 Civ. Pro. 27.
53 Super. 16.
9 St. Rep. 51

1301.
9 Civ. Pro. 122.
12 Civ. Pro. 75.
104 N. Y. 398.
38 Hun, 531.
41 Hun, 456.
42 Hun, 604.
18 Abb. N. C. 409.
4 St. Rep. 202.
5 St. Rep. 688.
7 St. Rep. 420.

1303.
8 Civ. Pro. 87.
9 Civ. Pro. 122.
53 Super. 16, 20.

1307.
6 St. Rep. 186.

1309.
12 Civ. Pro. 379.
13 Civ. Pro. 19.
101 N. Y. 289.
3 How. N. S. 504.

1310.
9 Civ. Pro. 100.
3 How. N. S. 386.
4 Dem. 253.

1315.
8 Civ. Pro. 414.
10 Civ. Pro. 240.

1316.
9 Civ. Pro. 122, 351.
10 Civ. Pro. 107.
12 Civ. Pro. 75.
104 N. Y. 398.
38 Hun, 531.
41 Hun, 456.
42 Hun, 604.
52 Super. 122.
18 Abb. N. C. 409.
1 St. Rep. 75.
5 St. Rep. 688.

1317.
8 Civ. Pro. 125, 363.
12 Civ. Pro. 301.
98 N. Y. 480.
13 Daly, 212.

1323.
10 Civ. Pro. 19.
100 N. Y. 616.
42 Hun, 241, 644.
53 Super. 386.
4 St. Rep. 463.

1326.
6 Civ. Pro. 386.
7 Civ. Pro. 132.
13 Civ. Pro. 19.
4 Dem. 84.

1327.
6 Civ. Pro. 386.
7 Civ. Pro. 132.
8 Civ. Pro. 420.
9 Civ. Pro. 444.
13 Civ. Pro. 19.
102 N. Y. 224.
4 Dem. 84.
1 St. Rep. 405.

1166.
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1180.
101 N. Y. 234.

1183.
3 How. N. S. 264.

1186.
9 Civ. Pro. 23, 177.
10 Civ. Pro. 32.
44 Hun, 2.
5 St. Rep. 84.
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1187.
9 Civ. Pro. 23.
53 Super. 55, 72.
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1189.
9 Civ. Pro. 23.
11 Civ. Pro. 200.

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18 Abb. N. C. 409.

1204.
34 Hun, 544.
43 Hun, 526.
18 Abb. N. C. 369,
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7 St. Rep. 90.
9 St. Rep. 522.

1205.
9 Civ. Pro. 374.
102 N. Y. 327.
12 Daly, 215.
2 St. Rep. 16.

1206.
7 Civ. Pro. 43.

1207.
51 Super. 405.
4 St. Rep. 73, 529.
5 St. Rep. 216.
6 St. Rep. 10.

1209.
51 Super. 369.
15 Abb. N. C. 204.

1210.
12 Civ. Pro. 383.
5 Dem. 379.
3 St. Rep. 87.
8 St. Rep. 745.

1212.
38 Hun, 548.

1214.
10 Civ. Pro. 69.
42 Hun, 280.
3 How. N. S. 109,
384.

1215.
10 Civ. Pro. 69.
3 How. N. S. 384.

1216.
6 Civ. Pro. 366.

1221.
42 Hun, 604.

1221, subd. 3.
18 Abb. N. C. 410.

1224.
42 Hun, 373.

1225.
9 Civ. Pro. 177.
3 How. N. S. 438.
53 Super. 147.
101 N. Y. 173,

1226.
18 Abb. N. C. 410.

1228.
7 Civ. Pro. 202.
97 N. Y. 610.
44 Hun, 200.
9 St. Rep. 729.

1229.
11 Civ. Pro. 94.
17 Abb. N. C. 262.
13 Daly, 493.

1230.
42 Hun, 604,
18 Abb. N. C. 409.

1231.
97 N. Y. 610.
42 Hun, 604.
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1232.
18 Abb. N. C. 411.

1237.
3 St. Rep. 169.

1240.
11 Civ. Pro. 421.
41 Hun, 355.
2 St. Rep. 592.

1241.
7 Civ. Pro. 327.
8 Civ. Pro. 191.
41 Hun, 352.
5 Dem. 449,
2 St. Rep. 592.

1251.
11 Civ. Pro. 321.
105 N. Y. 496.
41 Hun, 199.

1256.
35 Hun, 637.
2 St. Rep. 124.

1260.
6 Civ. Pro. 315.

1268.
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1274.
11 Civ. Pro. 141,
37 Hun, 135.
41 Hun, 77.
5 St. Rep. 67,

1278.
13 Civ. Pro. 74.
9 St. Rep. 540.

1380.
9 Civ. Pro. 378.
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4 St. Rep. 197.

1380 *et seq.*
8 Civ. Pro. 453.

1381.
9 Civ. Pro. 378.

1382.
103 N. Y. 509.
3 St. Rep. 682.

1388.
13 Civ. Pro. 142.

1390.
36 Hun, 12.
5 Dem. 141.

1391.
36 Hun, 12.
41 Hun, 609.
5 Dem. 141.

1393.
35 Hun, 647.
36 Hun, 583.
5 Dem. 139.

1405.
8 Civ. Pro. 60.
9 Civ. Pro. 274.
42 Hun, 387.

1409.
40 Hun, 323.

1410.
18 Abb. N. C. 22.

1421.
6 Civ. Pro. 397.
7 Civ. Pro. 46.
54 Hun, 243.
18 Abb. N. C. 449.
6 St. Rep. 809.

1422.
6 Civ. Pro. 377.
7 Civ. Pro. 46.

1423.
6 Civ. Pro. 377.
7 Civ. Pro. 46.

1424.
6 Civ. Pro. 377.
7 Civ. Pro. 46.

1425.
6 Civ. Pro. 377.
7 Civ. Pro. 46.

1426.
7 Civ. Pro. 46.

1427.
7 Civ. Pro. 46.
18 Abb. N. C. 449.

1429.
11 Civ. Pro. 321.

1430.
11 Civ. Pro. 321.

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1441.
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1455.
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1461.
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1465.
37 Hun, 201.

1478.
3 St. Rep. 552.

1481.
12 Civ. Pro. 256.

1487.
7 Civ. Pro. 392.
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36 Hun, 233.
38 Hun, 149.
19 Abb. N. C. 64.
10 St. Rep. 27.

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17 Abb. N. C. 378

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3 How. N. S. 361

1503.
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19 Abb. N. C. 185.
8 St. Rep. 573.

1505.
43 Hun, 372.
6 St. Rep. 400.

1508.
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1509.
9 Civ. Pro. 360.

1515.
11 Civ. Pro. 239.
42 Hun, 448.

1521.
9 Civ. Pro. 103.

1523.
9 Civ. Pro. 103.

1525.
11 Civ. Pro. 367.
39 Hun, 18.
3 St. Rep. 168.

1328.
6 Civ. Pro. 386.
7 Civ. Pro. 132.

1329.
6 Civ. Pro. 386.
7 Civ. Pro. 132.
103 N. Y. 224.
1 St. Rep. 405.

1331.
4 Dem. 84.

1334.
7 Civ. Pro. 132.

1335.
6 Civ. Pro. 425.
7 Civ. Pro. 98.
9 Civ. Pro. 444.
103 N. Y. 726.
54 Hun, 485.
43 Hun, 510.
2 St. Rep. 519.
7 St. Rep. 170.

1337.
6 Civ. Pro. 425.
7 Civ. Pro. 98.
9 Civ. Pro. 197.
98 N. Y. 661.
103 N. Y. 165, 181.
3 St. Rep. 1.

1338.
103 N. Y. 166.

1341.
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1342.
103 N. Y. 383.
41 Hun, 584.
2 St. Rep. 419

1346.
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12 Civ. Pro. 323.
41 Hun, 11.
42 Hun, 164.
5 St. Rep. 180.

1347.
7 Civ. Pro. 188, 190.
41 Hun, 11, 584. ¶
1 St. Rep. 99.
4 St. Rep. 639.

1347, subd. 2.
35 Hun, 434.

1347, subd. 4.
42 Hun, 606.
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1348.
17 Abb. N. C. 263.

1349.
10 Civ. Pro. 107.
41 Hun, 456.
42 Hun, 604.
18 Abb. N. C. 409.
53 Super. 54.
1 St. Rep. 99.

1350.
42 Hun, 604.
18 Abb. N. C. 409.

1351.
103 N. Y. 659.
18 Abb. N. C. 62, 63.
1 St. Rep. 99.
3 St. Rep. 611.
10 St. Rep. 693.

1352.
6 Civ. Pro. 259.
8 Civ. Pro. 420.
2 St. Rep. 103.

1353.
9 Civ. Pro. 431.
10 Civ. Pro. 240.
40 Hun, 545.
1 St. Rep. 72.
7 St. Rep. 420.

1355.
42 Hun, 88.

1356.
34 Hun, 584.
42 Hun, 164.
43 Hun, 506.

1357.
33 Hun, 279.
43 Hun, 506.
16 Abb. N. C. 282.

1358.
43 Hun, 506.
1 How. N. S. 193.

1359.
43 Hun, 506.

1365.
8 Civ. Pro. 60.
38 Hun, 149.

1366.
8 Civ. Pro. 60.
11 Civ. Pro. 371.

1367.
43 Hun, 126.
44 Hun, 591.

1369.
8 Civ. Pro. 60.
105 N. Y. 21.

1370.
13 Civ. Pro. 142.

1370, subd. 2.
7 Civ. Pro. 403.

1372.
12 Civ. Pro. 256.
36 Hun, 233.
38 Hun, 149.
19 Abb. N. C. 64.
10 St. Rep. 27.

1375 *et seq.*
38 Hun, 142.

1376.
98 N. Y. 1.
15 Abb. N. C. 431

1377.
7 Civ. Pro. 350.
13 Civ. Pro. 154.

1378.
13 Civ. Pro. 415.

1666.
42 Hun, 449.
16 Abb. N. C. 468.
6 St. Rep. 80.

1667.
35 Hun, 182.

1668.
35 Hun, 182.

1669.
2 St. Rep. 689.

1670.
53 Super. 97.
10 St. Rep. 62.

1671.
39 Hun, 466.
8 St. Rep. 676.
10 St. Rep. 62.

1673.
10 Civ. Pro. 72.
13 Daly, 547.
1 St. Rep. 626.

1674.
10 Civ. Pro. 72.
11 Civ. Pro. 104.
53 Super. 97.
2 St. Rep. 135.

1675.
8 Civ. Pro. 125.
11 Civ. Pro. 307.

1678.
19 Abb. N. C. 171.
9 St. Rep. 815.

1688.
17 Abb. N. C. 425.

1693.
8 Civ. Pro. 451.
18 Abb. N. C. 355.

1694.
9 Civ. Pro. 412.

1695.
6 Civ. Pro. 253.
8 Civ. Pro. 451.

1698.
11 Civ. Pro. 64.
42 Hun, 557.
4 St. Rep. 497.

1699.
6 Civ. Pro. 253,

1703.
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1704.
9 Civ. Pro. 412.
11 Civ. Pro. 64.
42 Hun, 558.
4 St. Rep. 497.

1709.
52 Super. 531.

1714.
2 St. Rep. 8.

1720.
9 Civ. Pro. 84.
1 How. N. S. 272.

1722.
42 Hun, 303, 305.

1723.
9 Civ. Pro. 84.
12 Civ. Pro. 137.
6 St. Rep. 297.

1725.
44 Hun, 441.

1726.
7 Civ. Pro. 278.
8 Civ. Pro. 46.
12 Civ. Pro. 274.
44 Hun, 436.
51 Super. 472.
53 Super. 123.
7 St. Rep. 223.

1727.
8 Civ. Pro. 46.
12 Civ. Pro. 274.
53 Super. 123.
2 St. Rep. 214.

1728.
12 Civ. Pro. 274.

1729.
12 Civ. Pro. 274.

1730.
9 Civ. Pro. 23.
12 Civ. Pro. 274.
101 N. Y. 179.
3 How. N. S. 438.
51 Super. 472.
53 Super. 55.
2 St. Rep. 214.
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1731.
101 N. Y. 179.
3 How. N. S. 438.
51 Super. 572.

1737.
44 Hun, 345, 437.

1738.
44 Hun, 345.
8 St. Rep. 796.

1757.
11 Civ. Pro. 94.
43 Hun, 182.
44 Hun, 183.
1 How. N. S. 46.
4 St. Rep. 399.
7 St. Rep. 789.

1758.
17 Abb. N. C. 239.
263.
7 St. Rep. 177.

1758, subd. 4.
44 Hun, 291.
7 St. Rep. 653.

1759.
8 Civ. Pro. 150.
43 Hun, 183.
4 St. Rep. 399.
10 St. Rep. 248.

1760.
9 Civ. Pro. 328.

1763.
53 Super. 83.

1520.
34 Hun, 560.

1531.
8 Civ. Pro. 363.
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1532.
11 Civ. Pro. 295.
42 Hun, 640.
4 St. Rep. 500.

1532 *et seq.*
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1533.
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13 Civ. Pro. 83.
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1535.
17 Abb. N. C. 427.

1536.
35 Hun, 183.
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19 Abb. N. C. 406,
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1537.
13 Civ. Pro. 83.
44 Hun, 273, 422.
7 St. Rep. 700.

1538.
9 Civ. Pro. 267.
11 Civ. Pro. 295.
13 Civ. Pro. 109.
38 Hun, 366.
42 Hun, 448.
43 Hun, 252.
4 St. Rep. 412

1539.
11 Civ. Pro. 295.
42 Hun, 448.
43 Hun, 252.

1540.
43 Hun, 252.

1543.
7 Civ. Pro. 448.
2 St. Rep. 160.

1544.
3 How. N. S. 26.

1546.
3 How. N. S. 26.

1557.
13 Civ. Pro. 109.
102 N. Y. 165.

1559.
3 St. Rep. 163.

1561.
44 Hun, 252.
3 How. N. S. 26.

1577.
13 Civ. Pro. 109.
102 N. Y. 165.

1578.
43 Hun, 252.
4 St. Rep. 412.

1579.
43 Hun, 24.
3 How. N. S. 26.

1580.
43 Hun, 24.

1599.
11 Civ. Pro. 359.
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1607.
44 Hun, 2.
6 St. Rep. 395.

1609.
11 Civ. Pro. 359.
41 Hun, 489.
4 St. Rep. 25.

1610.
41 Hun, 489.

1613.
41 Hun, 489.
43 Hun, 353.
6 St. Rep. 531.

1615.
11 Civ. Pro. 359.

1619.
42 Hun, 195.
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1626.
10 Civ. Pro. 77.
1 St. Rep. 196.

1627.
11 Civ. Pro. 438.

1628.
103 N. Y. 305.
12 Daly, 148.
19 Abb. N. C. 70.
7 St. Rep. 22.

1632.
6 Civ. Pro. 336.
12 Civ. Pro. 139.
44 Hun, 78.

1633.
5 St. Rep. 830.

1647.
9 Civ. Pro. 207.
40 Hun, 239.

1648.
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1649.
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1659.
43 Hun, 404.

1660.
12 Civ. Pro. 222.
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1662.
12 Civ. Pro. 222.
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7 St. Rep. 903.

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43 Hun, 331.
44 Hun, 395.
3 Dem. 30.
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15 Abb. N. C. 472.
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1822.
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1825.
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105 N. Y. 159.
10 St. Rep. 693.

1826.
103 N. Y. 306.
105 N. Y. 159.

1832.
5 Dem. 159.

1833.
5 Dem. 159.

1834.
5 Dem. 159.

1835.
7 Civ. Pro. 333.
8 Civ. Pro. 11.
10 Civ. Pro. 8.
11 Civ. Pro. 298.
43 Hun, 247.
12 Daly, 114.
5 St. Rep. 439.

1836.
7 Civ. Pro. 333.
8 Civ. Pro. 11.
10 Civ. Pro. 8.
11 Civ. Pro. 298.
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42 Hun, 205.
43 Hun, 247.
12 Daly, 114.
5 St. Rep. 127, 439,
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1838.
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1839.
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1840.
105 N. Y. 497.

1841.
105 N. Y. 497.

1842.
105 N. Y. 497.

1843.
7 Civ. Pro. 100.
104 N. Y. 184.
105 N. Y. 497.
52 Super. 503.
7 St. Rep. 691.

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42 Hun, 326.

1844.
4 Dem. 96.

1846.
7 Civ. Pro. 100.

1848.
3 St. Rep. 191.

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18 Abb. N. C. 142,
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1852.
7 Civ. Pro. 100.

1853.
41 Hun, 370.
18 Abb. N. C. 142.
147.
3 St. Rep. 191.

1854.
7 Civ. Pro. 100.

1861.
12 Civ. Pro. 35, 401.
17 Abb. N. C. 332.
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9 St. Rep. 786.

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17 Abb. N. C. 332.

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17 Abb. N. C. 332.

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17 Abb. N. C. 329,
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7 St. Rep. 292.

1866.
11 Civ. Pro. 77.
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1868.
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8 Civ. Pro. 103.
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16 Abb. N. C. 9, 43,
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41 Hun, 202.
42 Hun, 44, 362, 637.
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1872.
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4 St. Rep. 823.

1873.
8 Civ. Pro. 203.
42 Hun, 637.
16 Abb. N. C. 9, 43,
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1874.
42 Hun, 637.
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1765.
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1768.
9 Civ. Pro. 328.

1769.
7 Civ. Pro. 327.
8 Civ. Pro. 68.
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12 Civ. Pro. 183, 198.
26 Hun, 378.
44 Hun, 564.
1 St. Rep. 487.
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9 St. Rep. 46.

1770.
12 Civ. Pro. 183.
44 Hun, 564.

1771.
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2617.
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2618.
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8 St. Rep. 782.
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2619.
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2620.
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5 Dem. 413.

2621.
12 Civ. Pro. 35.
5 Dem. 399.
17 Abb. N. C. 332.
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2622.
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3 Dem. 136.
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19 Abb. N. C. 49.
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2623.
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2624.
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2636.
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2638.
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3 Dem. 612.
4 Dem. 492.
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2639.
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2650.

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2652.

5 Dem. 136.
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2662.

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10 St. Rep. 864.

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3 Dem. 22.
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2686.

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2687.

7 Civ. Pro. 257.
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12 Civ. Pro. 1.
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2718.
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2738.
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2757.
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2758.
11 Civ. Pro. 115.
5 Dem. 100.

2759.
10 Civ. Pro. 201.
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